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COMMISSION ON HUMAN RIGHTS

Fifth special session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 17 October 2000, at 10 a.m.

Chairperson: Mr. SIMKHADA (Nepal)

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GE.00-15611 (E)

The meeting was called to order at 10.10 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the fifth special session of the Commission on Human Rights to consider the situation in the occupied Palestinian territories. The fact that the convening of the special session, only the fifth in the Commission's history, had been endorsed by nearly 90 per cent of the membership reflected the gravity of the events that had unfolded in the Middle East. The level of violence and the resultant sufferings were such that the Commission could not remain silent. The violence must end and no effort should be spared to prevent a repetition of such a tragedy. Beyond the tragic developments of the past weeks and, despite the complexity of the problem to be resolved, an appeal must be made, as the United Nations Secretary-General had said, to all leaders and citizens to think about what future they wanted for their children.

2. For over a week, the Secretary-General had been making strenuous efforts to break the cycle of violence and bring about the only viable option, namely, negotiations for a just and comprehensive settlement in the Middle East. The Commission's responsibility was unique and it was not to duplicate fruitlessly what was being done elsewhere. Its discussions must reaffirm the obligation to respect fundamental rights and the dignity of the human person. It would thus contribute to strengthening the efforts of the Secretary-General and mitigate the sufferings of those who had already suffered too much.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (E/CN.4/S-5/1 and Add.1)

3. The CHAIRPERSON invited the members of the Commission to take note of the provisional agenda (E/CN.4/S-5/1) and the annotated provisional agenda (E/CN.4/S-5/1/Add.1) and said that, if there was no objection, he would take it that the Commission adopted the agenda for the special session.

4. It was so decided.

ORGANIZATION OF WORK (agenda item 2) (E/CN.4/S-5/1/Add.1)

5. The CHAIRPERSON drew the participants' attention to the recommendations of the Bureau, contained in paragraphs 7 to 9 of the annotated provisional agenda (E/CN.4/S-5/1/Add.1) on the organization of work. The Bureau also recommended that, following a joint statement not exceeding 10 minutes, States wishing to take the floor again on the same item could have the time normally allotted to them, namely, 10 minutes. The Bureau had also agreed that the floor might be given to the observers for Israel and Palestine, if so requested, at the beginning of the general debate. The Bureau had further agreed that, in accordance with established practice, a list of speakers would be established, the better to organize the conduct of business; it also recommended that any dignitaries attending the session would be accorded the special treatment of a 15-minute speaking time. The Bureau also recommended that Mr. Giorgio Giacomelli, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, who had been on mission to the region

from 11 to 15 October 2000, should be invited to address the Commission prior to the general debate. If there was no objection, he would take it that the Commission approved those recommendations.

6. It was so decided.

LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA, ADDRESSED TO THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (E/CN.4/S-5/2)

7. Mr. BEN SALEM (Tunisia), speaking on behalf of the Arab Group, thanked the members of the Commission on Human Rights who had supported the request that its fifth special session should be convened to consider the issue of human rights violations in the occupied Palestinian territories. He hoped that the Commission's deliberations would be commensurate with the gravity of the situation.

8. The international community and human rights activists were anxiously following the deteriorating situation in the occupied Palestinian territories and the inhuman aggression committed by the Israeli army against civilians as part of a deliberate policy of repression against an unarmed people fighting for its land and respect for its legitimate rights.

9. It was no surprise that such humiliating practices aroused feelings of frustration and injustice in Palestinians. Israel was defying all the resolutions of the General Assembly, the Security Council and the Commission on Human Rights, refusing to renounce its illegal practices and to respect the obligations incumbent on it under the Fourth Geneva Convention. Most of the Commission's members had spoken out against the continuation of such aggression. Despite various manoeuvres, public opinion also denounced the barbarity of the repression, which targeted even children.

10. Despite those actions, the Arab Group reiterated that it wanted to reach a fair and equitable peace. In order to achieve that goal, however, Israel must comply with its obligations and withdraw immediately from the occupied Palestinian territories, including Jerusalem, that it had conquered by force. With regard to Jerusalem, it should be noted that the Holy City had for centuries been the symbol of peaceful coexistence between different peoples and religions, but it was now the theatre of intolerable violence for which the occupying Power was solely responsible.

11. The reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 and of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories stressed the fact that Israel was pursuing its policy of colonization, confiscating land and isolating villages and that Palestinians were still being subjected to torture or arbitrarily detained.

12. The Arab Group believed that the international community should not confine itself to denouncing and condemning such flagrant aggression against the civilian population, but should

adopt firm measures to protect the Palestinians. It recommended that the measures should include the establishment of an international commission mandated to look into the events which had taken place in recent weeks. The Commission should propose measures to halt the practices being carried out and submit a report to the Commission on Human Rights at its fifty-seventh session, as well as to the General Assembly at its fifty-fifth session. The High Commissioner for Human Rights and the relevant special rapporteurs should also visit the area and report to those sessions of the Commission and the General Assembly. Moreover, the parties to the Fourth Geneva Convention should make every effort to ensure that it was implemented, and non-governmental organizations should send representatives to Palestine to record the flagrant human rights violations being committed by Israel.

13. Reason should prevail over war-mindedness and it was high time for the members of the international community to pool their efforts to find a comprehensive, fair solution to the Palestinian problem and the Middle East question.

14. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that, at its fifth special session, the Commission had to consider an extremely grave crisis. The situation was all the more delicate in that the search for peace in the Middle East had been going on for 50 years, the conflict had already caused enormous suffering and cost many lives, the reports of human rights violations committed in the region had become innumerable, Palestinians living in refugee camps and other difficult conditions had already endured a great deal and peace had seemed within reach after the great efforts made, most recently at Camp David. The experience of Ireland showed, however, that, even in the most desperate situations, it was possible to dream of peace, provided that it was a sustainable peace based on respect for human rights.

15. It was important for the Commission to focus on ways and means by which the exacerbation of the situation could be avoided in future through early warning and prevention measures. Indeed, the situation the Commission was considering seemed to have degenerated rapidly and run away with the parties. Evidently, neither the Israelis nor the Palestinians had wanted the situation they now found themselves in, but the key to a peaceful, stable future in the region lay in the promotion of a culture of human rights and tolerance. The first priority, however, was to halt the violence so that the peace process could continue.

16. According to information available to her Office from its post in Gaza and regional sub-offices, it seemed that the crisis had begun following the Camp David Summit, due to popular frustration at the apparent impasse in the negotiations. The frustration had been expressed in demonstrations in the West Bank and Gaza. On 13 September, stones and Molotov cocktails had been thrown at Israeli positions in Gaza and violent incidents had increased. On 26 September, a bomb had killed an Israeli soldier near Netzarim and, on 27 September, a Palestinian policeman in a joint patrol had killed an Israeli officer and wounded a soldier.

17. On 28 September, Ariel Sharon, head of the Israeli opposition, had visited Al-Haram Al-Sharif, the Temple Mount, in Jerusalem with members of his parliamentary group and a military escort. Palestinians had protested against what they saw as provocation and clashes had ensued. On 29 September, demonstrators had thrown stones and the Israeli army had retaliated; during the day, four Palestinians had been killed and over 200 others wounded by gunfire. Since

then, over 100 Palestinians had been killed and large numbers injured. Questions had been raised about the disproportionate nature of the Israeli defence forces' reaction, particularly having regard to the large number of persons killed or seriously injured.

18. On 2 October, a Palestinian policeman had killed an Israeli soldier in an ambush. On 7 October, shortly after the Israeli army had withdrawn from Joseph's Tomb in Nablus, Palestinians had attacked, ransacked and set fire to that Jewish holy site. During the attack, a border guard had been fatally wounded and a rabbi killed. A synagogue in Jericho and mosques in Jaffa and Nablus also had been damaged.

19. Israeli war planes had attacked Hezbollah positions following that party's abduction of three Israeli soldiers along Israel's border with southern Lebanon; and two Palestinians had reportedly been killed on 8 October by Israeli settlers.

20. In the midst of all that, the Security Council had met on 7 October and adopted resolution 1322 (2000), in which it reaffirmed its support for a just and lasting solution, supported the Middle East peace process and called on the Israeli and Palestinian sides to support the efforts being made towards a final settlement. In that resolution, the Security Council condemned acts of violence, especially the excessive use of force against Palestinians, resulting in injury and loss of human life, and called upon Israel to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention. It also called for an immediate cessation of violence, the avoidance of any new provocative actions and the establishment of a mechanism for a speedy, objective inquiry into the recent tragic events with the aim of preventing their repetition.

21. On 8 October, two Arab Israelis had been killed during violent clashes between Jews and Arabs. On 12 October, two Israeli soldiers, who, according to Israeli sources, had taken a wrong turning and been arrested by Palestinian police, had been killed in Ramallah by a Palestinian crowd in atrocious circumstances. In retaliation, Israeli helicopters had fired rockets at several targets, including a police station in Ramallah and the West Bank headquarters of the Palestinian Authority.

22. In addition, there had been a suicide attack in the region against a United States destroyer resulting in the deaths of 17 sailors and a United Kingdom embassy had been the target of an attack.

23. From information available to her Office, the Israeli army had used live ammunition, rubber-coated bullets and tear-gas to disperse Palestinian demonstrators. Palestinians, for their part, had used firearms, Molotov cocktails and stones. The number of child casualties was very high. According to available information, over 22 Palestinian children had been killed and hundreds injured. Ambulance and medical personnel had likewise been injured and killed. Palestinians claimed that private houses and civilians had been indiscriminately attacked, especially at night, and that settlers were increasingly involved.

24. An objective independent inquiry into the events of the previous weeks might help to resolve disputed issues, particularly with regard to human rights. The question of what body would be most suitable to carry out such an inquiry was currently being considered; whatever decision might be taken, her Office stood ready to assist in any way deemed most suitable.

25. Having dwelt on the past, measures aimed at preventing such crises in the future should be carefully considered. It was therefore crucially important for all concerned to give the utmost priority to the protection of human life, putting an immediate end to violence on the ground and taking the requisite measures to keep children away from any confrontation. In addition, all concerned must act in full compliance with the norms of international human rights and humanitarian law. The parties' attention was drawn in particular to article 4 of the International Covenant on Civil and Political Rights and to common article 3 to the Geneva Conventions.

26. The parties to the conflict must return to the negotiating table as quickly as possible and the international community, the parties concerned, neighbouring States and friendly countries must engage in reflection with a view to implementing strategies for the promotion of tolerance and harmony among two kindred peoples. Racial and religious intolerance, if not a cause of the current situation, was unfortunately becoming a consequence of it. Evidence that violence and animosity had spread beyond the region between Jewish and Muslim communities, was of particular concern.

27. The future of Israel and Palestine would depend largely on the ability of both communities to calm resentment and see to it that human rights and humanitarian principles were fostered and observed without discrimination. The Israeli and Palestinian peoples were linked by history and geography and must learn to live together. They must be shown that peace was possible and even within their grasp. The message to the leaders was more stark: they could not condemn a new generation to violence, hatred and their consequences.

28. Mr. GIACOMELLI (Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967) said that he had just returned from the occupied territories, which he had deemed it his duty to visit, in order to see the situation on the ground for himself. During his previous mission, he had already noted that, given the climate of widespread human rights violations, the situation had been so tense that the slightest spark could ignite the powder-keg.

29. During the latest mission, he had been unable to obtain information from the Israeli authorities, but had gathered a great deal of detail from various sources, from which it emerged that Israel, from the outset of the disturbances, had resorted to disproportionate and excessive force, including the use of weapons and tactics not called for by the situation. Likewise evident was a resurgence of paramilitary activity, especially by Israeli settlers. There had also been Palestinian civilians bearing and using weapons among the demonstrators. These factors together explained the regrettably high level of deaths and injuries.

30. In the report circulated to the participants (E/CN.4/S-5/CRP.1), he had drawn up a number of recommendations aimed at restoring trust and security, which went hand in hand, in order to create conditions suitable for a revival of the peace process, which must include respect for human rights.

31. Mr. RAMLAWI (Observer for Palestine) said that, since 28 September 2000, when Sharon, accompanied by 3,000 Israeli policemen, had entered the Al-Aqsa Mosque with the agreement of Barak, thus provoking the indignation of Muslims in Palestine and throughout the world, 120 Palestinian martyrs had been massacred and over 4,000 injured, one third of them children. In order to defend their lands, Holy Places and rights, Palestinians had only their bodies and stones to confront over-equipped Israeli soldiers who did not hesitate to kill unarmed civilians, including children, in cold blood simply because they were Palestinians.

32. Those massacres and all crimes committed by Israelis since the Deir Yassin massacre contravened the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. Not even Palestinians having Israeli nationality had been spared; two of them had been killed and 127 others injured by the Israeli army.

33. The Israeli occupation authorities also inflicted collective punishments of all kinds on Palestinians, including military blockades of all towns and villages, thus preventing the delivery of food and medicines and the conveyance of the injured to hospital. Worse still, 14 ambulances bearing the Red Cross emblem had been destroyed by the Israeli army and their drivers killed. Those responsible for such crimes should be tried in conformity with the relevant international conventions.

34. The Israeli Government had stifled the peace process by its military aggression against the Palestinian people and the deliberate killing of unarmed civilians and children. As for the Commission, it should take firm measures to halt such violations and crimes, bring the perpetrators to justice and ensure international protection for Palestinians against Israeli aggression, until the occupation of Palestinian territories, including Jerusalem, had ended. That occupation was indeed the source of the human rights violations and continued aggression against the Palestinian people. It was the source of tension, conflict, blood-baths and hatred. That was why Palestinians refused any logic that placed the victim and the aggressor on an equal footing - a suspect logic used by the Israeli killers and the malicious Power that supported them in their crimes. Because the Palestinians believed firmly in their rights and were ready to die for their country, they had been able to resist the judaization of Palestine for a century. They must continue their struggle unabated, with the support of Arabs and Muslims from the Atlantic to the Pacific, and of the forces for freedom and peace in the world, until they were victorious in liberating their land, restoring their rights and creating an independent State with the Holy City of Jerusalem as its capital.

35. Mr. LEVY (Observer for Israel) said that the Israeli Government had waited in vain for Mr. Arafat to react to the far-reaching proposals put to him by the Israeli Prime Minister at the Camp David summit some months previously. By launching a wave of violence on the flimsiest pretext, Mr. Arafat had taken responsibility for plunging the entire region into a period of instability with unpredictable consequences. The question to be asked was who had an interest in continuing the violence. If the Palestinian leaders had had an interest in putting an end to it they could have done so. Had they not emptied schools and sent schoolchildren to demonstrate in the streets, there would have been fewer deaths and injuries. In Gaza, they had sent groups of innocent Palestinian civilians to attack a few isolated posts held by Israel in the region,

accompanied by armed Palestinian policemen and members of the paramilitary Tanzim organization illegally established by Mr. Arafat three years previously, who had mingled with the demonstrators and fired on the Israeli forces.

36. If the religious authorities and the Palestinian Authority radio and television had not put out daily calls of hatred for an uprising against Israel, young Palestinians would not have taken to the streets to throw stones and Molotov cocktails and would not have been regrettably killed or injured.

37. The Commission's special session could not have been convened at a worse time. It was quite liable to distract attention from the current efforts being made by the United Nations Secretary-General, the President of the United States and the leaders of Egypt, Jordan and the major European countries, with Israeli and Palestinian participation, to put an end to the hostilities and relaunch the diplomatic process.

38. It should be noted that the Israeli security forces opened fire only when absolutely necessary and when their lives were in danger. They had exercised all possible restraint in their efforts to restore calm and security. Israel sincerely regretted the injuries and deaths.

39. By encouraging unrest and calling for violence, the Palestinians had violated some of the major undertakings they had given, first in Oslo, in the exchange of letters between Mr. Arafat and Mr. Rabin in September 1993 and, later, under the September 1995 Interim Agreement, the Hebron Protocol of January 1997 and the Wye River Memorandum of October 1998, the Sharm el-Sheikh Memorandum of September 1999 and the Trilateral Statement signed by the United States, Israel and Palestine at the conclusion of the Camp David summit in July 2000.

40. They had in fact undertaken to renounce violence and terror and to take any measures necessary to prevent acts of violence and terror against Israel and to create a climate suitable for negotiations free from pressure, intimidation or threats of violence.

41. The Palestinians had likewise undertaken to resolve all differences through bilateral negotiations. The convening of the current session and the appeals to the General Assembly, UNESCO and the Security Council violated that undertaking.

42. In violation of a further obligation assumed by the Palestinians, the information media had broadcast incitements to hatred and to the killing of Israelis.

43. The Palestinians had also undertaken to arrest, prosecute and sentence terrorists. Instead, they had freed 120 persons known to be guilty of acts of terrorism and responsible for dozens of deaths and hundreds of injury cases among Israelis.

44. Contrary to the commitments it had undertaken, the Palestinian Authority had not confiscated illegally held arms and, instead of utilizing the joint mechanisms for security cooperation, it had broken off all contacts with Israel.

45. The Palestinian authority had undertaken to protect and respect holy sites. But Joseph's Tomb, 4,000 years old, had been utterly destroyed and a synagogue in Jericho had been reduced to ashes.

46. The Palestinians had also undertaken to ensure that no armed force other than the Palestinian police and Israeli security forces would operate on the West Bank or in Gaza. Tanzim's role in the recent unrest violated that undertaking.

47. Israel therefore wondered how it could go on trusting a partner which systematically violated the commitments it had undertaken. Re-establishing trust must be the aim rather than supporting Palestinian attempts to tarnish Israel's image in all international forums.

48. Despite the tragic events of the past two weeks and the deaths and injuries on both sides, Israel still believed it was possible and necessary to achieve a peaceful solution to the Middle East conflict. For that purpose, the Palestinian Authority must issue a clear call for an end to the violence and the obligations assumed under the agreements signed by Israel and the Palestinians must be respected. Only then would it be possible to return to the negotiating table and move the peace process forward.

49. Mr. HAMIDON (Malaysia), speaking on behalf of the Organization of the Islamic Conference, said that, contrary to what the observer for Israel had said, the convening of the Commission's current session was fully justified in view of the tragic events that had been taking place in Palestine since 28 September. The occupying Power had hitherto disregarded the mechanisms established by the Commission and had refused to cooperate with the special rapporteurs mandated to consider the human rights situation in the Palestinian territories.

50. Given the gravity of the situation, the Commission must establish an international commission of inquiry to look into the causes and perpetrators of the crimes committed with a view to bringing the authors to justice, determine who was responsible for the human rights violations in the occupied Palestinian territories, propose measures aimed at preventing any repetition of the recent tragic events and report to the Commission.

51. The establishment of such a commission would be in line with the view expressed by the Security Council in resolution 1322 (2000) on the importance of establishing a mechanism for a speedy and objective inquiry into the tragic events of the past few days, with the aim of preventing their repetition.

52. In addition, the High Commissioner for Human Rights should be asked to visit the affected areas and report periodically on developments there and the relevant special rapporteurs should be asked to undertake immediate missions to the occupied Palestinian territories and report to the Commission and the General Assembly; the treaty bodies should be asked to give immediate consideration to the matter and invite Israel to report on the way it was fulfilling the obligations it had assumed by ratifying the relevant United Nations human rights conventions.

53. It should be noted that, on 13 October 2000, the Arab Group had formally requested a meeting of the High Contracting Parties to the Fourth Geneva Convention with a view to ensuring respect of that instrument by the occupying Power. The Organization of the Islamic Conference supported that proposal and urged all countries to do likewise.

54. The fact that a large number of countries had requested the convening of the current special session showed that the international community viewed with great concern the resumption of violence in the occupied territories and the violations of the Palestinians' rights. The Organization of the Islamic Conference was convinced that there would be broad support for proposals which would lead to the immediate cessation of violations and prevent its recurrence. The Commission must act; the Organization of the Islamic Conference was convinced that it could.

55. Mr. WISNUMURTI (Indonesia), speaking on behalf of the Asian Group, said that he agreed with previous speakers who had deplored the provocative act committed at Al-Haram Al-Sharif in Jerusalem on 28 September 2000, the consequence of which had been a flare-up of violence resulting in many deaths and injuries, mostly among Palestinians. The Asian Group condemned the acts of violence, particularly the excessive use of force against innocent Palestinian civilians which had caused heavy losses of human life, particularly among children. It appealed to all sides to the conflict to renounce the use of force in settling their differences, since the entire region's future was at stake. It also urged Israel, the occupying Power, to abide scrupulously by its obligations under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. The international community, for its part, must assume its responsibilities by ensuring the safety and protection of the region's civilian populations. It was important to establish a mechanism for a speedy, objective inquiry into the tragic events of the past few days with the aim of preventing their repetition. The Asian Group endorsed the support expressed by previous speakers for the efforts deployed by the various parties, whose tireless work towards a solution of the crisis must be encouraged so that it could bear fruit.

56. It was likewise imperative for the parties concerned to comply with the many agreements and resolutions adopted over the years, particularly Security Council resolution 1322 (2000).

57. The Asian Group was convinced that peace could be achieved despite the many disputes that divided the two communities. History showed that the region's peoples had a common heritage, namely, the City of Jerusalem, a place of great importance to Muslims, Jews and Christians alike. It was in their interest to preserve that heritage so as to build the foundation of a prosperous future.

58. Mr. CHOWDHURY (Bangladesh) said that he supported the statements made on behalf of the Organization of the Islamic Conference and the Asian Group. The justified fury aroused by Ariel Sharon's irresponsible visit to Al-Haram Al-Sharif had resulted in an excessively violent reaction by the Israelis which had truly shocked the world.

59. For all those who had complacently thought that the peace process had been about to bear fruit, the second intifada had been a rude awakening. It was a reminder that peace could never be ensured until due attention had been paid to the basic causes of conflict and that it could not be made to last unless it accorded with the aspirations of the peoples concerned.

60. The Commission on Human Rights must act not only to put an end to the continued human rights violations, but also to determine the causes of the recent violence and take steps to prevent their recurrence. To that end, it should adopt a resolution to establish an international commission of inquiry, invite the High Commissioner to visit the region and reactivate the relevant human rights mechanisms.

61. For the moment, the international community could only hope that the Sharm el-Sheikh talks would be successful. The initiatives of the United Nations Secretary-General should likewise be encouraged, since, as the observer for Israel himself had said, there was no other issue but peace.

62. Mr. LI Enheng (China) said that the Chinese Government was appalled by the excessive use of force and the employment, by the Israeli army, of heavy weaponry (helicopters, missiles and tanks) which had caused heavy loss of human life among the Palestinian civilian population, including women and children. China strongly condemned the use of military force against civilians.

63. Negotiations between the Israelis and Palestinians on a number of crucial questions, including the final status of Jerusalem, had recently reached a critical phase. The controversial visit by the head of the Israeli opposition to the Al-Aqsa Mosque compound had ignited a powder-keg and gravely compromised the peace process; the international community should condemn that irresponsible act.

64. The Chinese Government had always supported the peace process and supported the Palestinian people in its struggle to recover its legitimate national rights. In the hope that a solution could be speedily achieved, it had supported the convening of a special session of the Commission on Human Rights. China had voted in favour of resolution 1322 (2000), recently adopted by the Security Council, to condemn the use of force. And the Chinese Red Cross would be providing emergency humanitarian assistance to Palestine to assist wounded civilians.

65. China remained convinced that confrontation could only exacerbate hatred and not contribute to a true solution of the problems. Negotiation and dialogue, on the other hand, meant hope and peace. China therefore urged the two sides to exercise restraint and refrain from any act or statement detrimental to the peace process. The Chinese Government fervently hoped that the Sharm el-Sheikh talks would lead to substantial progress and that the two sides would take a flexible, pragmatic approach with a view to a final settlement of the Palestine question and the restoration to the Palestinian people of its legitimate national rights, thus bringing durable peace and stability to the Middle East at last.

66. Mrs. RUBIN (United States of America) said that her Government joined the international community in expressing its condolences to all those affected by the violence that had shaken the Middle East during the past two weeks. For decades, the United States had

striven untiringly to bring an end to the suffering of the region's peoples and to bring lasting peace. To that end, President Clinton, the United Nations Secretary-General and many others had spared no effort to assist the parties to the conflict in bringing an end to the violence and restoring the peace process - the only way, the United States Government was convinced, to prevent an unending cycle of violence in the region.

67. The United States had opposed the holding of the current special session, believing that it would not promote the cause of peace and that the international community should be concentrating all its efforts on assisting those participating in Sharm el-Sheikh to make the courageous decisions necessary to avoid confrontation.

68. The United States Government deemed the draft resolution before the Commission a one-sided, inflammatory text that could only complicate, and even compromise, the current efforts and would do nothing to foster the cause of peace in the Middle East, a goal that could not be attained through public denunciations. The highest human rights imperative was to end the violence, create a climate of dialogue and return both parties to the path of peace.

69. Mr. DEMBRI (Observer for Algeria) endorsed the statement made by the representative of Tunisia on behalf of the Arab Group.

70. The Commission on Human Rights was meeting in the current special session because the international community had decided to react against the massive and repeated grave violations of a people's most elementary rights and because the incredible repression of defenceless civilians by the Israeli armed occupation forces was currently putting a people in danger.

71. After the Madrid Conference and the Oslo Agreements, the international community had begun to believe in a fair, lasting peace for all the region's peoples that would at last enable the Palestinians to have an internationally recognized State. The dream had not lasted because Israel had ignored all its commitments.

72. Israeli practices in the occupied territories had been regularly denounced by the international community, but had never ceased: indiscriminate repression affecting women, children and the elderly; systematic torture of Palestinian prisoners; collective sanctions; land clearance to expand settlements or create new ones; evictions; and repeated blockading of Palestinian areas, cutting off a population and making its living conditions precarious.

73. The sacrilegious intrusion of Ariel Sharon, the instigator of the Sabra and Chatila massacres, on the compound of the Al-Aqsa Mosque had been deliberately designed to hurt the religious feelings of Palestinians and all Muslim peoples and to start an uprising in the occupied territories. The visit was part of a carefully thought-out strategy of provocation by the highest Israeli authorities intended to scuttle the negotiations with the Palestinian Authority.

74. In view of the disproportionate use of force by one of the world's biggest armies against Palestinian civilians, in flagrant violation of the Fourth Geneva Convention of 1949, the international community should call for respect for basic guarantees of protection for persons under the authority of a belligerent party owing to occupation of their territory. In that light,

Algeria strongly urged the adoption of the requisite measures to ensure the protection of the Palestinian people and the restoration of their inalienable rights, including the right to an independent State, with Al-Quds as its capital. In that regard, Security Council resolution 1322 (2000), which condemned the provocation carried out at the mosques and acts of violence against Palestinians, called upon Israel to comply with its obligations under the Fourth Geneva Convention and stressed that the need for the speedy establishment of a mechanism to inquire into the situation in Palestine should encourage the members of the Commission to assume their responsibilities. The members should, inter alia, condemn Ariel Sharon's criminal provocation, establish an international commission of inquiry at once, call for a halt to the Israeli armed forces' repressive operations, invite the United Nations High Commissioner for Human Rights to make an urgent visit to the occupied territories in order to study the persistent, grave and systematic violations of human rights suffered by the Palestinian people and request the relevant special rapporteurs, committees and working groups to report on the matter to the Commission on Human Rights at its next session. In view of the many revolting atrocities that had been committed, such measures were necessary and urgent.

75. On the eve of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, certain words of hatred were inadmissible. One example was the Hitler-like comment by Rabbi Ovadia Youssef, who had recently said that, according to the Bible, God had regretted having created the Arabs, a "people of serpents". It was up to the Commission on Human Rights to censure such talk.

76. Perhaps some of the great Jewish thinkers of the current era, including Elie Wiesel, Nobel Peace Prize winner, should be asked why they were silent when two young Palestinian children had been killed at the same age of innocence as their sister Anne Frank and when the Palestinian people, whose current revolt mirrored the Warsaw ghetto uprising, were being made to suffer.

77. He endorsed the recommendation contained in a communiqué by the European Union Council of Ministers, which was dated 9 October 2000 and in which Mr. Arafat and Mr. Barak had been invited to address each other's people.

78. Mr. AL-HUSSAMI (Observer for the Syrian Arab Republic) said that the massacres committed in the occupied territories by Israeli forces, who had not hesitated to use real bullets and even missiles, constituted a crime against humanity and were contrary to the obligations incumbent on the Israeli Government under various international instruments relating to human rights and international humanitarian law, such as the Fourth Geneva Convention of 1949 and the Convention on the Rights of the Child.

79. In 1948, the United Nations General Assembly had accepted Israel's candidature to become a Member of the United Nations on condition that it abided by the principles of the Charter. But the State of Israel had shown itself to be a racist, expansionist and colonialist entity. Ten years after the start of the peace process which had been launched in Madrid in 1991 and in which the Israeli authorities had played a reluctant part, the entire world could see that Israel did not want a settlement based on international legality as set out in Security Council resolutions 242 (1967) and 338 (1973) or on the Madrid principles (land for peace), but was instead trying to buy time in order to fortify and expand its settlements in the occupied territories

and in Golan and get the Arabs to accept the fait accompli. That stupid policy was the cause of the breakdown of the peace negotiations and the current crisis, which had brought the entire region to the brink of disaster.

80. For decades, Israel had been ignoring resolutions adopted by the various United Nations bodies aimed at establishing lasting peace, and those in power had not made the slightest effort to put an end to that situation. Indeed, some had encouraged its arrogance by supplying it with the most sophisticated weaponry, defending it in international forums and vetoing resolutions seeking to condemn it, while claiming to be urging it to make peace with its neighbours.

81. The atrocities committed by the Israeli war machine during the past two weeks constituted a massive, flagrant and deliberate violation of the Palestinian people's fundamental rights and freedoms, including the right to life and self-determination. Such actions were an insufferable affront to the current meeting.

82. The Syrian Arab Republic urged the Commission on Human Rights to adopt a text clearly defining methods for urgent action with a view to providing the Palestinian people with the necessary protection against the crimes from which they suffered, requiring Israel to observe the provisions of the Fourth Geneva Convention of 1949 and opening an official inquiry into the causes of the ongoing events.

83. It could be seen that the Palestinian people was not alone and would not always remain defenceless and that there would be no peace in the region until Israel had withdrawn from all the occupied Palestinian and Arab territories behind the lines of 4 June 1967 and the Palestinian people had regained their inalienable rights to self-determination and the creation of an independent State with Al-Quds as the capital.

84. Israel was at a crossroads: it could either opt for peace and respect for international legality or continue along the path of racism and aggression, thus assuming responsibility for a cataclysm in the region.

85. Mr. AL-DOURI (Observer for Iraq) said that, although most colonial peoples had recovered their independence during the past 50 years, the Palestinian people continued to toil under the yoke of the Zionist occupier, in defiance of countless United Nations resolutions calling on Israel to end the occupation of the City of Jerusalem and the Palestinian territories. For five decades, the Palestinian people had been struggling to recover its land, usurped by Zionist immigrants from over 80 countries who had set up a colonialist, expansionist entity bent on ridding the land of its legitimate inhabitants.

86. During that period, the Palestinian people had been subjected to the worst human rights violations, such as massacres, evictions, mass arrests, confiscation of land, demolition of houses, crop destruction, profaning of holy places, alteration of the features of Arab towns and the practice of torture with the connivance of the courts.

87. During the past two weeks, about 100 persons, one third of them children, had been killed and 300 more injured. According to hospital reports, most of the victims had been hit in the upper part of the body, showing that the Zionist troops were deliberately shooting to kill.

88. The use of heavy weaponry against children who had nothing but stones to defend their land and life was unprecedented in history. The indiscriminate razing of dwellings in Gaza, Ramallah and Nablus by combat helicopters and tanks was an act of genocide whose perpetrators should be brought to justice. There was clearly a policy of ethnic cleansing and forced displacement as part of a plan to expand existing settlements and create new ones in violation of United Nations resolutions and the Geneva Conventions. Those who had portrayed themselves as the victims of Nazism were currently committing the same crimes against the Palestinians.

89. It had become clear that the true aim of the policy of normalization and the so-called peace process was to hoodwink public opinion about the Zionist entity's true intentions, which were to take over Palestinian lands and strip an entire people of its legitimate rights.

90. While commending the Palestinian people's struggle to recover its freedom and dignity and repossess its usurped land, Iraq urged the international community to face up to its responsibilities by providing the Palestinian people with the necessary protection and helping it to exercise its right to self-determination and create its own State throughout its entire territory, with Jerusalem as the capital.

91. The Commission on Human Rights had the moral and humanitarian duty to adopt a resolution condemning the barbaric acts committed by the Zionist forces and deciding to send a commission of inquiry, composed of representatives of neutral States, to the occupied Palestinian territories in order to question officers and members of the Zionist occupation forces who had committed war crimes and crimes against humanity and to bring them to international justice.

92. Mr. NORDMANN (Observer for Switzerland) said that, while provocations, violence and hatred, from whatever source, were to be condemned, it would not do to ignore the facts, which showed that Israeli forces had made disproportionate use of repressive measures, as shown by the type of weapons used as well as the toll of victims. The large number of Palestinian children among the latter was particularly shocking. The upsurge of inter-community hatred was a matter of the greatest concern and had taken the form of intolerable acts on both sides: barbaric behaviour, lynching and the pillaging of holy places.

93. To end the cycle of violence, each party should refrain, immediately and unconditionally, from any provocation. There must likewise be the speediest possible end to the many acts of discrimination and efforts must be made to promote mutual tolerance and respect. He solemnly called for respect for the rule of law. Regardless of circumstances, international law banned the disproportionate use of force. The right to life and personal integrity and the prohibition of any form of discrimination were among the basic tenets of human rights.

94. The Swiss Government, the depository of the 1949 Geneva Conventions and a party to them, recalled that they reflected not an ideal, but the threshold below which barbarity began. States committed themselves to respect the Conventions as they stood and to ensure respect for them in all circumstances. The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War was applicable de jure in the territories occupied by Israel, including those whose annexation had not been internationally acknowledged. Forced transfer, in groups or individually, was prohibited under article 49 and the occupying Power was not allowed to carry out deportation or to transfer part of its own civilian population to the territory it occupied.

The question of settlements and the issue of the right of residence of Palestinians in Jerusalem were clearly within the purview of that article. Restrictions on Palestinians' freedom of movement also constituted a form of collective punishment prohibited by the Fourth Convention.

95. Switzerland was ready to support the work of an independent, objective commission of inquiry whose establishment was called for in Security Council resolution 1322 (2000) and to take part in it, as appropriate. Determining facts and responsibilities could only help to prevent fresh violence in the future and to improve human rights safeguards. A return to the negotiating table, in a climate of mutual respect and trust, and the renunciation of violence were the only way to seek a lasting solution, within the framework of international law, to the conflict between Israelis and Palestinians.

96. Mr. AL-ASKAR (Observer for Kuwait) said that he supported the statements made on behalf of the Arab Group, the Organization of the Islamic Conference and the Asian Group. Kuwait deplored the cruel aggression perpetrated by Israeli forces against the unarmed Palestinian people. It condemned the criminal use of force against civilians and the blockading of Palestinian areas and urged the international community to assume its responsibilities and bring such aggression to an end.

97. The international community had decided to hold the current special session in order to consider serious violations of international human rights and international law instruments in the occupied Palestinian territories, which were contrary to the provisions of the Fourth Geneva Convention. Such consideration was based on Security Council resolution 1322 (2000), which called on the international community to take steps to ensure that the violence ceased and that such events could not recur and to provide international protection for the Palestinian people.

98. Kuwait urged the Israeli Government to put an immediate end to its inhumane practices against the Palestinian people in the occupied territories and to provide proof of its intention to respect its obligations by completing the withdrawal of its forces from the occupied Palestinian territories, including Jerusalem, in accordance with Security Council resolutions 242 (1967) and 338 (1973) and with the Oslo Agreements. Israel should also withdraw unconditionally and in the near future, from occupied Syrian Golan.

99. Mr. ATTAR (Observer for Saudi Arabia) welcomed the holding of the current special session to consider the situation in the occupied Palestinian territories and endorsed the statements made on behalf of the Islamic Conference and the Arab and Asian Groups.

100. His country disapproved of and strongly condemned the methods employed by Israel, the occupying Power, and affirmed its support for the realization of all the Palestinian people's rights, including the right to proclaim an independent State with Jerusalem as the capital. The Palestinian people's current sufferings were the result of one of the gravest forms of human rights violations in modern history. The failure to condemn the daily massacres encouraged Israel to continue its breaches of international instruments. By resorting to excessive force, Israel had caused the deaths of about 100 Palestinian citizens and left thousands injured.

101. Since the Security Council's adoption of resolution 237 (1967), which had called on the Israeli Government to observe its obligations under the Fourth Geneva Convention in 1949,

Israel had persisted in violating all that Convention's articles by creating and expanding settlements and confiscating property and evicting Palestinians by force from their homeland. Palestinians had not only seen their civil and political rights violated, but had suffered arbitrary detention and collective expulsion and had been deprived of the rights to life, education, medical treatment, work and religious freedom.

102. Saudi Arabia was gravely concerned about the current situation and held the Israeli Government responsible for all consequences of the repressive methods applied against the defenceless Palestinian people. The current climate of instability and insecurity could plunge the entire region into a crisis with adverse consequences in all fields, particularly the development of the countries concerned. The creation of the State of Israel, accompanied by a refusal to recognize Palestinian rights, lay at the root of the instability.

103. Saudi Arabia supported the search for peace, but not at the expense of the rights of the Palestinian people. Peace could not exist until the Palestinians had recovered the full exercise of their rights, including that of creating an independent State, with Jerusalem, whose holy status was enshrined in the conscience of all Muslims, as its capital.

104. The visit of Ariel Sharon to the Mosque compound in Jerusalem had been an inadmissible provocation. The Israeli Government should have taken suitable measures to prevent such an event, which had aroused the anger of Muslims not only in the occupied territories, but throughout the world. It should give the international community an undertaking to determine the reasons, to put an immediate end to acts of violence and to respect the Palestinian people's desire to protect their Holy Places. Israel not only flouted United Nations resolutions, but also disregarded its own laws, such as Act No. 5767 of 1967, in which the Israeli Government had undertaken to protect the Holy Places.

105. Saudi Arabia hoped that the Commission on Human Rights would condemn Israel's excessive use of force, as well as its blockading of Palestinian towns and villages. It firmly supported the setting up of an international commission to investigate the situation in the occupied territories and determine who was responsible. The Commission's relevant special rapporteurs should likewise visit the occupied territories as soon as possible and submit preliminary reports to it at its fifty-seventh session. The United Nations High Commissioner for Human Rights should also visit the occupied Palestinian territories and inform the Commission of the results of her visit. He urged the Commission to fulfil its obligations with regard to the Palestinian people and to take a resolute and firm stand against Israeli practices.

106. Mr. NDIAYE (Senegal) said that the prevailing situation in the Middle East was a source of grave concern to the international community and a serious threat to international peace and security. Senegal categorically rejected recourse to threats and violence, which was liable to put an end to hopes for peace and stability in the region.

107. The visit of Ariel Sharon, the head of the Israeli opposition, to the Mosque compound on 28 September 2000 had aroused the disapproval and hostility of Palestinians and all observers who respected peace and justice. Israel had repressed the demonstrations provoked by that visit with unusual brutality, with the disproportionate and indiscriminate use of armed force, and the unbridled violence had resulted in a large number of civilian victims, including children. The

Security Council's condemnation of the repression testified to its unacceptability to the international community. Senegal condemned provocations and the escalation of violence and called for respect for individual and collective rights, the key to a lasting peace in the Middle East. The Commission's current special session should be the occasion to affirm that the tragedy of Palestine would not be allowed to go unnoticed. The hope created by the peace drive must not become stifled by the resurgence of violence and intolerance.

108. For Arabs and Israelis alike, the 1990s had seen a remarkable change: the inevitable state of virtual warfare in the Middle East had been replaced by a move for peace, through which the Palestinian people's human rights could be improved. It had to be said, however, that those rights were still being massively and repeatedly violated. Despite all that, the Palestinian party had quite recently courageously opted, as a token of its good will, to defer a declaration on accession to statehood.

109. The special session could achieve its goal if it enabled the Commission on Human Rights to make a proper appraisal, monitor developments closely and implement a programme of cooperation to restore trust between the parties. It was up to the international community to do everything to ensure that the steps already achieved for peace in Palestine and the Middle East were not in vain and that the ideals of peace, justice and solidarity would at last prevail.

110. Senegal supported all those working for the restoration of peace and respect for human rights in the occupied territories. It welcomed and encouraged the peace initiatives taken in recent days and, in particular, the efforts of the Secretary-General, Kofi Annan, who had thus recalled that the United Nations had a key role to play in settling the Palestinian question.

111. Mr. AMAT FORÉS (Cuba) said that, despite the opposition of the United States, Israel's ally, to the wishes of the international community, the latter had decided to hold emergency meetings to denounce and condemn Israel's use of force in Palestine and in the occupied Arab territories and its flagrant violation of the most fundamental human rights. In the latest escalation of violence, Israel had used not only military and police personnel, but also heavy weaponry and combat helicopters against the Palestinian civilian population and installations.

112. Over the decades, the General Assembly and Security Council had adopted dozens of resolutions criticizing and condemning the acts perpetrated by Israel against the Palestinian people. Yet the acts denounced in those resolutions continued and any solution to the Middle East conflict had on every occasion been derailed by Israel's systematic violation of the inalienable rights of the Palestinian people and all the peoples of the occupied Arab territories. By violating all those resolutions, Israel showed its disregard of the international community's recommendations calling on it to respect the principles of international law and the rules of international humanitarian law. Once again Israel was breaking the commitments it had made under the Fourth Geneva Convention. In adopting resolution 1322 (2000), the Security Council had condemned the acts of violence that had claimed so many victims in Palestine. The international community had been expecting something more energetic and effective from it, but, once again, it had displayed tolerance with regard to Israel's acts of aggression, the pressure and blackmail applied by its most powerful member having again led to the adoption of double standards.

113. Cuba strongly condemned the unleashing of violence and the use of force against the Palestinian civilian population. The Cuban Government reaffirmed its solidarity with the Palestinian people and the latter's inalienable right to proclaim an independent sovereign State, with Jerusalem as the capital. Cuba urged the Commission on Human Rights strongly to condemn the fresh outbreak of violence and Israel's aggressive policy of annexation. It was essential to halt the violence and resume dialogue and negotiation with a view to a just and lasting solution to the Middle East conflict, based on the strict observance of Security Council resolutions 242 (1967) and 338 (1973).

114. Mr. RAMLAWI (Observer for Palestine), speaking in exercise of the right of reply, said that, in his statement, the observer for Israel had referred merely to marginal problems, but not to the human rights violations committed by Israel. According to him, Mr. Arafat had not called on the Palestinians to abandon violence - a laughable reproof, since it was the Israelis who had unleashed the violence. No Palestinian had gone to Tel Aviv to kill Israelis, but the Palestinian people, armed only with stones, had had to face the Israeli army.

115. The observer for Israel had likewise said that Israeli soldiers opened fire only when their lives were threatened. But the question was how a heavily armed Israeli soldier could feel threatened by stone-throwers. Such assertions were absurd and shameful. Since 28 September, no Israeli soldier had been killed, whereas over 100 Palestinians had been killed by bullets and even by missiles launched from combat helicopters against dwellings.

116. The Palestinians had rebuilt Joseph's Tomb the following day, something the observer for Israel had failed to mention, however. Nor had he spoken of the mosques destroyed and torched by Israeli bigots in Jaffa and other towns. His accusations were therefore baseless.

The meeting rose at 1.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifth special session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 17 October 2000, at 3 p.m.

Chairperson: Mr. SIMKHADA (Nepal)

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LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA, ADDRESSED TO THE HIGH COMMISSIONER FOR HUMAN RIGHTS (continued)

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GE.00-15577 (E)

The meeting was called to order at 3.10 p.m.

LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA, ADDRESSED TO THE HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/S-5/2)

1. Mr. GANEGAMA (Sri Lanka) said that Sri Lanka endorsed the statement made by the representative of Indonesia on behalf of the Asian Group. Like the other non-aligned nations, Sri Lanka had consistently maintained that a lasting peace and comprehensive political settlement were the key to the realization of the inalienable rights of the Palestinian people and thereby to the security of the Middle East as a whole.

2. Sri Lanka understood only too well how rapidly a cycle of indiscriminate violence and the use of force could jeopardize painstaking efforts to achieve peace. Whatever the explanations given by the parties, such spirals of violence and counter-violence could hold back or even reverse political initiatives. His delegation supported the establishment of a mechanism to ascertain the facts of the current situation, which would break the cycle and leave room for the parties to address the core issues in political negotiations.

3. Mr. AL ABOODI (United Arab Emirates) said that flagrant violations of human rights and international humanitarian law, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War, were occurring in the occupied Palestinian territories as a result of Mr. Sharon's provocative visit to the Al-Aqsa mosque.

4. The United Arab Emirates rejected Israel's brutal use of armed force against the defenceless Palestinian people, whose houses were being destroyed by land, sea and air missiles. That was a grave violation of international humanitarian law and amounted to a war crime and attempted genocide. Referring to Security Council resolution 1322 (2000) of 7 October 2000, he appealed to the international community and the sponsors of the peace process, in particular the United States, to intervene to put an end to such violations and collective punishment and to protect the Palestinian people's freedom to worship in the Al-Aqsa mosque and their inalienable right to self-determination in accordance with international law.

5. Lastly, he requested the establishment of a commission of inquiry to investigate the crimes committed by the Israeli forces. Special rapporteurs should also be sent to the occupied territories to report on the situation and help to find a solution to the problem.

6. Ms. ABOULNAGA (Egypt) said that, at the time of the Commission's preceding session, there had been a feeling that, in view of the developments in the peace process, it was time for the agenda items on Israel's occupation of the Palestinian territories to be dropped and for the human rights mechanisms to cease considering the situation there. Egypt had considered that it was up to Israel: the reason those items were on the agenda was that Israel was occupying Arab territories and that, if it wanted the items to be dropped, it should end its occupation and respect human rights.

7. At that time, the Israeli Minister of Justice had depicted Israel as a democratic country created on the basis of humanitarian and moral principles that did not allow for violations of human rights. The Minister had boasted that Israel had established a human rights commission and a human rights ombudsman and had expressed the hope that, by the next session, those items would no longer appear on the Commission's agenda.

8. Yet today, the Commission was meeting in special session to consider crimes and violations of fundamental human rights committed against the Palestinian people following the visit to Al-Haram Al-Sharif by Mr. Sharon, a man with a whole career of crimes against humanity behind him.

9. The impression had been given that the Palestinians had triggered the events, but even the Security Council had recognized that the visit had been provocative. Moreover, Israel had used not only rubber bullets against the Palestinians, but live bullets and other sophisticated weaponry in a display of excessive force again recognized by the Security Council as a violation of basic human rights and international law, which insisted on the distinction between military and civilian targets.

10. Israel had violated its obligations as an occupying Power, as noted by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, who had reported the destruction of Palestinian homes and the confiscation of 60 per cent of West Bank territory since 1967.

11. In the face of the tragic deaths of children, shown to the world by the international media, the international community should not be powerless. It should assume its responsibilities and force Israel to respect international law and the conventions it had signed, including the Convention on the Rights of the Child. That was a test of its credibility and she hoped that members of the Commission would be equal to that test.

12. Mr. BRODRICK (Australia) said that his Government was deeply concerned at the loss of life and injury resulting from the violent confrontations of recent weeks in the West Bank, Gaza and parts of Israel. The cycles of provocation, violence and retribution were profoundly depressing and had been justifiably deplored. All communities involved must seek to establish the mutual trust and confidence necessary for peaceful coexistence.

13. Australia was also concerned at the damage the violence had done to Israeli-Palestinian relations at a time when a final settlement to outstanding issues in the peace process had appeared close. A ceasefire must be put in place as soon as possible to stop the deaths and injuries and negotiations must resume to conclude a comprehensive peace agreement that would act as a barrier to such outbreaks of violence in the future. Only through a negotiated settlement could a just and lasting peace be achieved.

14. Mr. LITTMAN (Association for World Education) said that the breakthrough that had been made that very day at the Israeli-Palestinian summit meeting in Sharm el-Sheikh was the moment to encourage the Palestinian leadership to take statesman-like decisions in the interests of true peace and reconciliation.

15. One of the root causes of the current tragic events was the systematic misuse of education by the Palestinian Authority - through videos and textbooks, some of them produced with European Union funding - to prepare children for *jihad* or holy war. He called on the Commission to turn its attention to the general issue of indoctrinating children or encouraging them to participate in armed conflicts and specifically to inquire into the Palestinian Authority's abuse of the educational system, including UNWRA schools.

16. In addition, the Hamas movement was now directly allied to the Palestinian Authority and was gaining ground among the Arab population in Israel. The movement's Charter was an incitement to genocide and therefore contravened the Convention on the Prevention and Punishment of the Crime of Genocide. His organization called on the Commission to condemn the movement.

17. Mr. LACK (International Association of Jewish Lawyers and Jurists), speaking also on behalf of the World Jewish Congress, said that the representative of Algeria had misrepresented the facts in his statement on behalf of the Arab League. The situation under consideration did indeed deserve the Commission's attention, but not for the reasons given by the Arab League.

18. Many lives had certainly been tragically lost: those of more than 90 Palestinians, including children, as well as Israeli Arabs and Israeli Jews. Israeli police and soldiers had been attacked: a number of policemen trapped in a police station had narrowly escaped death when the building had been set on fire; and a group of reservists had been hideously killed and torn apart by a mob.

19. The Palestinian police and gunmen concealed among the stone-throwing rioters had been involved in sustained exchanges of fire.

20. It had been claimed that Mr. Sharon's visit to the Omar and Al-Aqsa mosques had been a provocation, but it had in fact been cleared with the relevant joint Palestinian-Israeli security committees. The crowds had been whipped up into a frenzy during Friday prayers and had attacked Mr. Sharon's police escort.

21. The greatest concern, one which demanded immediate firm action by the Commission, was the alliance between the Palestine Authority and the Hamas and Hezbollah terrorist groups. The release of Hamas prisoners had been an invitation to them to resume their bombing campaign; and Hezbollah, as was well known, had been responsible for a number of kidnappings and murders.

22. Although it was of course regrettable that a number of children and adolescents had been killed during the disturbances, it should be remembered that Israeli security personnel had received strict orders not to fire on civilians except in the most extreme circumstances of risk to their own lives. The fact that minors were often incited to take part in dangerous confrontations was a violation of basic humanitarian law, specifically article 38 of the Convention on the Rights of the Child. The appeals of Hamas, Hezbollah and the other extremist groups that were responsible for fomenting riots in Israel and avowedly anti-Semitic attacks on Jewish communities abroad constituted open advocacy of racial and religious hatred and should be forthrightly condemned by the Commission.

23. Mr. WISNUMURTI (Indonesia) said that his delegation associated itself with the statement made by the representative of Malaysia on behalf of the Organization of the Islamic Conference (OIC). Shocking atrocities had been committed by heavily armed Israeli soldiers against large numbers of Palestinians, including children. It was hard to understand why the occupying Power felt the need to use such disproportionate military might against unarmed civilians. But the United Nations mechanisms for the maintenance of international peace and security and their counterparts in the field of human rights, which responded enthusiastically and even aggressively to other situations of similar or lesser magnitude, had for the most part remained inactive. The reaction of international mechanisms often seemed to be dictated by political expediency or the identity of the victims. Such a biased attitude betrayed a flagrant double standard which did nothing to enhance the credibility and moral stature of the mechanisms concerned.

24. His delegation hoped that the generally acknowledged seriousness of the situation would result in effective and immediate measures by the Commission to address the human rights situation in the Occupied Palestinian Territory. The Commission should play its part in protecting the human rights of all Palestinians in the Occupied Territory, thereby preventing a recurrence of the current tragedy and creating a conducive environment for the promotion of peace in the region.

25. Indonesia supported the establishment of an international commission to investigate the root causes of the current upsurge of violence and identify those responsible with a view to bringing them to justice.

26. It was the duty of the occupying Power to exercise restraint and abide by its obligations under the Fourth Geneva Convention, since the protection of civilians under occupation was the central issue in the present crisis. Furthermore, the international community should ensure that Israel complied fully with the relevant Convention. The situation would improve only if existing rules were observed. The use of military force could never obscure the fact that Al-Haram Al-Sharif was an integral part of the Occupied Palestinian Territory, as stated in numerous resolutions of the General Assembly and the Security Council.

27. Israel must honour its obligations and pursue peace negotiations in good faith. The extent of Israeli commitment to the peace process would be judged by its respect for Palestinian human rights and its full compliance with the 1949 Geneva Convention.

28. It was the collective responsibility of the international community to ensure that the Commission responded appropriately to violations of human rights in the occupied territories. A commission of inquiry also needed to be established. The High Commissioner for Human Rights had a crucial role to play in that process.

29. Ms. STROMBERG (MADRE) said that the United States, the primary broker of the Oslo Accords which had failed to secure even a minimum level of Palestinian human rights, bore special responsibility for the current crisis. The Oslo process had consistently prioritized United States and Israeli geopolitical interests in the Middle East over human rights standards. The United States had violated its obligation to respect and promote fundamental principles of international law and had attempted to sidetrack the role of the United Nations in the current

crisis. In addition, the United States Government should attach end-use requirements to its weapons sales to Israel. Future talks between Israel and the Palestine Liberation Organization (PLO) should be held under the auspices of the United Nations and future agreements should meet the standards of international human rights and humanitarian law.

30. The excessive use of force by Israeli troops against unarmed women and children was a matter of particular concern. It was clear that, in their confrontations with Palestinian demonstrators, Israeli forces had relied on deadly force as a first, rather than a last, resort. Furthermore, Palestinian citizens of Israel had been attacked by vigilante mobs under the protection of the Israeli police force, underscoring the fact that the country's Palestinian minority was in urgent need of international protection. Israeli settlers had shown themselves to be a particularly violent and provocative element.

31. An independent commission of inquiry should be established under the auspices of the Security Council and the Commission's special rapporteurs should undertake a joint visit to the region to investigate human rights violations, reporting thereon no later than 1 December 2000. International protection should be provided for Palestinians in the occupied territories and within Israel itself, with special emphasis on the most vulnerable groups such as children, refugees and internally displaced persons. Given that Israeli forces had repeatedly violated their obligation under the Fourth Geneva Convention to protect the local population living in occupied areas, the Parties to the Convention should reconvene in order to guarantee such protection.

32. Mr. HARAGUCHI (Japan) said that his delegation welcomed the fact that a ceasefire agreement had been reached and congratulated all the leaders who had contributed to that important development. Japan hoped that the agreement would reduce tension in the region and eventually pave the way for a resumption of the peace process. In response to a request from the Palestinian Authority, Japan had provided emergency assistance through the United Nations Development Programme (UNDP) for the purchase of urgently needed medical equipment.

33. Mr. SALIH (Arab Organization for Human Rights) said that Israel had attacked the Palestinian people with an impressive arsenal of lethal weapons. The repression had extended to Arab Israelis, thereby demonstrating that Israel was ruled by a racist regime. The Commission should roundly condemn recent Israeli actions and call for an end to the racist treatment of Arabs. An independent and impartial commission needed to be set up to investigate human rights abuses and bring those responsible to justice. The Security Council and the General Assembly should establish mechanisms to protect all Palestinians in the occupied territories and inside Israel itself. The Parties to the Fourth Geneva Convention should meet to devise a mechanism to ensure that the Convention was properly applied in the occupied territories and the Office of the High Commissioner for Human Rights should dispatch a mission to the region and report on its findings.

34. Mr. MONOD (War Resisters International) said that Jerusalem was a battleground of religious and political fundamentalism and the situation could be defused only through tolerance. A possible solution might be the unification of Israel and Palestine in a federation with a single capital in Jerusalem. In such a federal State, people, goods and financial resources would circulate freely, while federal companies would operate public utilities and transport and

communications networks. Demilitarization was a prerequisite for security. The League of Arab States and the European Union could act as guarantors of the inviolability of the new State, with an important role reserved for the United Nations.

35. Ms. HODGKIN (Amnesty International) said that an Amnesty International research team, including a specialist in sensitive policing of disturbances, had just returned from a visit to Israel and the occupied territories. The team had focused on the use of lethal force by Israeli security forces and the observance of international standards regarding the use of force and firearms by law enforcement officials. It had been observed that, in policing the recent demonstrations, the security forces had used military methods and lethal weapons that took no account of human rights. Moreover, no attempt had been made to investigate reports of unlawful killings, either by the Israeli authorities or by the Palestinian Authority, and that could only breed disrespect for the rule of law.

36. The Commission should urge the two sides to respect the rule of law, which included protecting the right to life and prohibiting torture. There should be an independent international investigation into the serious human rights abuses which had taken place in Israel and the occupied territories and all authorities should cooperate fully with it. The Secretary-General should establish a standing body of highly qualified international criminal jurists and other expert investigators to act as a rapid response resource whenever the United Nations felt there was a need for an independent and impartial investigation. Finally, the Special Rapporteur on extrajudicial, summary or arbitrary executions should make all relevant information available to the proposed independent international investigation.

37. Ms. DAOUDY (Union of Arab Jurists) said that myth and reality in the Middle East were in stark contrast. In the 1990s, Israel had exported the myth that it wished to talk peace with its Arab neighbours. The "peace process" was in fact a dictated solution imposed on the weaker party, the Palestinians, by a coalition led by Israel and the United States of America. The aim of the process was to confine the Palestinians to scattered and economically non-viable enclaves. The withdrawal of Israeli forces from the occupied territories and the return of Palestinian refugees, referred to in so many United Nations resolutions, were yet another myth. Instead, Palestinian homes had been expropriated or demolished and Jewish settlements had multiplied. But the events of the last few days had exposed those myths for the fictions they were. Accordingly, the Commission should demand an end to the massacres of Palestinians and call for Jewish settlers to be disarmed. An impartial international investigation was essential and Israel should be made to comply with international humanitarian law and United Nations resolutions. The blockade of the occupied territories must be lifted and the role of the United States in the mediation efforts should be reduced.

38. Mr. TSETSIS (World Council of Churches), speaking on behalf of the Commission of the Churches on International Affairs, congratulated the High Commissioner and the Special Rapporteur on their comprehensive statements, which had highlighted the goal of peace based on the full enjoyment of human rights for the peoples of Palestine and Israel. The Special Rapporteur had rightly warned of the growing impatience of Palestinians, stifled in their desire to develop their own homeland in order to give themselves and their children a basis for a dignified life which would threaten no neighbour. In view of that warning, the current eruption of violence could hardly be a surprise.

39. The churches in Jerusalem and Palestine had long advocated a lasting peace based on justice. For too long, however, they had had to minister to the victims of injustice and human rights violations, the roots of which lay in the occupying Power's constant defiance of international law and the world community's admonitions. Its repeated use of excessive military force, based on a false notion of security, denied peace and security and widened the gap separating Israelis from Palestinians living in the occupied territories.

40. Peace and security for all lay not in military might, but in willingness to share resources equitably, to share peace and responsibility for maintaining it and to share the truth. Forgiveness and reconciliation required the acknowledgement and sharing of responsibility for past offences. The Security Council's call for a mechanism to inquire into the recent events with a view to preventing their repetition was welcome and he hoped that the Commission would take the lead in putting that mechanism in place without delay.

41. Experience hitherto, however, was not encouraging. The efforts of the Commission, the Special Rapporteur and the General Assembly's Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories had not been matched by the occupying Power. His organization therefore appealed to Israel to cease withholding its cooperation and display a firm willingness to put aside the past and build a new future for Israelis and their neighbours.

42. While it was true that religion had at times been misused by both sides for political ends, true religion was a source of peace and harmony. For Christians, the Holy City of Jerusalem was a source of profound spiritual strength and hope, stemming not from sectarianism, but from the promises shared by those who put their trust in one God. The heads of Jerusalem's Christian communities had expressed their desire for peace, with justice and security, for the "two peoples and three religions" of the land - the Palestinian and Israeli peoples, and the Christian, Jewish and Muslim faiths. At a recent service of Ecumenical Prayer for Peace, the Latin Patriarch had said that, although the land had long been one of hatred and bloodshed, it must become one of forgiveness and redemption. Freedom, tranquillity and security, not violence, should be the destiny of Palestinians and Israelis alike. That message, he hoped, would inspire all in a common pursuit of peace with justice.

43. Ms. SAYEGH (General Arab Women Federation) said that her organization denounced the recent provocative act which had been carried out at Al-Haram Al-Sharif and had caused an eruption of violence and the excessive use of armed force by Israel against unarmed civilian Palestinians, in violation of the Palestinians' human rights. Although the situation had become calmer, the chronicle of events had been distorted to portray Palestinian victims as the aggressors. The record of the peace process had hitherto been deplorable; every negotiation process had led to more confiscation and occupation of Palestinian land and property and to increasing restrictions on Palestinians' freedom of movement. Israel's constant violation of human rights, in pursuit of its expansionist aims, had been possible only because of United States support, including military equipment. The establishment of a just and lasting peace between Israel and Palestine was essential, but depended primarily on the good will of the parties concerned. The Commission should therefore make special efforts at its current special session to seek Israel's immediate withdrawal from all the occupied territories and observance of the relevant United Nations resolutions and international human rights instruments, the cessation of

all violence, including the protection of Palestinians from the Israeli army and settlers, speedy international humanitarian aid and an international investigation into the causes of the recent unrest. Despite the many United Nations resolutions adopted since 1967, Palestinians still lacked self-determination and an independent State. She therefore requested the Secretary-General to make more efforts to implement those resolutions.

44. Ms. BALLANTYNE (Women's International League for Peace and Freedom) said that, for years, her organization had called on Israel and the international community to help Palestinians establish their own independent state within the pre-1967 borders, with East Jerusalem as the capital, and on Israel and Palestine to live in peace with each other and all the region's States. It joined in the denunciation of the visit by Ariel Sharon to Al-Haram Al-Sharif, which had set off a foreseeable mass reaction by Palestinians to which Israel had replied with excessive military force. History continued to show that only negotiation based on equity, the genuine needs of both parties and the relevant United Nations resolutions and international human rights and humanitarian instruments could lead to stable peace in the region.

45. The Commission should take immediate steps aimed at an immediate end to all human rights violations, new peace negotiations on the basis of all relevant United Nations resolutions, Israel's immediate withdrawal from all Palestinian areas and full respect for Palestinians' human rights under international law, including the Geneva Convention, the implementation of all agreements made hitherto between Israel and the Palestinian Authority, immediate international humanitarian assistance for the Palestinian people, and an international inquiry, under United Nations auspices, into the causes of the latest eruption of violence, as part of a truth and reconciliation process.

46. Mr. HARRIS (American Jewish Committee) said that the recent tragic events had affected everyone, regardless of race, nationality or belief. The American Jewish Committee had actively supported the peace process and had sought to launch a new chapter in the relationship between the Islamic and the Jewish religions. The path to peace clearly lay in negotiation, not violence, but the opportunity provided by the recent far-reaching peace proposals tabled by Ehud Barak, Israel's democratically elected leader, had unfortunately been lost through Palestinian unwillingness to take them up. It was hoped, however, that the outcome of the latest talks at Sharm al-Sheik would yield positive results.

47. The Commission, whose current special session underlined the tragic consequences of opting for violence rather than dialogue, must confront the complex realities of the situation and avoid politically charged one-sidedness. For example, it must not overlook the outrages committed against Jewish holy sites such as Joseph's Tomb at Nablus, destroyed by a Palestinian mob. It must ensure religious freedom and access to religious sites. It should discuss the instances of incitement to hatred by Palestinian officials and media, including the distorted reporting of protests which failed to mention the firing of live ammunition in addition to stone-throwing, as well as the upsurge in anti-Semitic incidents, not in the Middle East alone. And it should not overlook the violations of international law across the Lebanese-Israeli border. Israel had complied with Security Council resolution 425 (1978), but Lebanon, too, was obliged to exert its authority; the Commission should condemn the continued violations of the Charter, international law and every norm of civilized behaviour in that area.

48. The American Jewish Committee's part in the founding of the United Nations and the protection of human rights was historically documented, and its work in protecting international human rights continued. Such protection could not be applied inconsistently, however. The Commission had a sacred duty to protect the human rights of all; it would ill become it if its message implied otherwise.

49. Mr. SHKIAT (International Federation of Human Rights Leagues) said that, during a recent mission organized by FIDH, jointly with several other NGOs, to evaluate the current crisis in the occupied Palestinian territories, its members had spoken to victims of the violence and to bereaved families and had met local authorities, Red Crescent medical and management staff and other NGOs and political representatives. They had found evidence of widespread human rights abuses and of failure to abide by international humanitarian law, particularly the Fourth Geneva Convention. Israeli forces had in many cases used excessive force against peaceful protesters, often targeting innocent civilians, including children; the number of child casualties was indeed disturbingly high.

50. FIDH therefore urged Israel to comply with its international obligations and discontinue the use of excessive, unjustified force, including the use of heavy weaponry and illegal ammunition, against civilians in Israel and the occupied territories, to withdraw immediately the security forces that had provocatively entered the Palestinian Authority area and other areas within the occupied territories and to ensure safe, unhindered access for medical personnel, as required under international law. It also urged the Commission to establish an independent international expert commission of inquiry, pursuant to Security Council resolution 1322 (2000); it should include the relevant Special Rapporteurs and other independent qualified experts, carry out a thorough public investigation into the recent events, determine responsibility for the violations of human rights and humanitarian law and bring the perpetrators to justice, recommend measures for redress and compensation and report to the Commission and the General Assembly. The Commission should also strengthen the presence in the area of the Office of the High Commissioner for Human Rights and urge the High Contracting Parties to the Fourth Geneva Convention to reconvene the adjourned Conference with a view to Israel's acceptance of the de jure applicability of that Convention in the occupied territories.

51. Mr. ZEIDAN (Cairo Centre for Human Rights Research) said that the members of the Palestinian Arab minority in Israel represented nearly 20 per cent of the population, but suffered institutionalized discrimination that had affected their economic, social and cultural rights. They were treated as second-class citizens, as the police brutality meted out to Arab demonstrators in recent protests had highlighted. The Universal Declaration of Human Rights prohibited all forms of discrimination and established the right to freedom of thought and expression; and article 27 of the International Covenant on Civil and Political Rights provided explicitly for the protection of minority rights. The member States of the Commission should take active measures to ensure the protection of minority rights, pursuant to those instruments and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

52. During the recent general strike called as a result of Ariel Sharon's provocative visit to Al-Haram Al-Sharif, police had attacked Arab demonstrators with tear gas, rubber-coated steel bullets and live ammunition in a number of Arab villages and mixed-population cities, killing

two demonstrators and injuring many others. The excessive violence had merely aroused further anger and demonstrations, the toll of whose repression had been 13 dead and over 500 injured as well as hundreds of arrests. Despite the efforts by Palestinian Arab leaders' to end the violence, the Israeli Government continued its official rhetoric, denying the status of Arabs as Israeli citizens and criminalizing their attempts to protest. As a result, Jewish citizens had been prompted to attack Palestinian Arabs, as well as their property and holy sites, and the security forces supposed to be protecting Arab citizens had fired on those who were trying to defend their homes, killing 2 and injuring 30, 5 of them severely. Another result of such government-encouraged violence had been the widespread destruction of Palestinian Arab shops and businesses, as well as of graveyards and mosques.

53. Such acts, evidence of the authorities' wilful failure to provide protection, constituted grave human rights violations. He urged the Commission to take all necessary measures to protect the Palestinian Arab community, on whose behalf he spoke. He also strongly supported the establishment of an independent international commission of inquiry into the recent events; its mandate should include investigating the violence suffered by the Palestinian Arab citizens of Israel.

54. As events in Kosovo and East Timor had shown, violations of human rights, particularly those of minorities, could no longer be deemed a purely internal matter, particularly when regional peace and security were at stake. The Commission was urged to call on relevant United Nations bodies and mechanisms, in particular the Sub-Commission's Working Group on Minorities, to take effective action to promote and protect the rights of Palestinian Arab citizens in Israel.

55. Mr. MBOMIO (North South XXI), said that the suffering of the Palestinian people, which had long been known to NGOs, was now clear for the world to see after a picture of a boy lying dead in his father's arms had been broadcast on television. In the case of Israel, NGOs and the international community that were aiming to ensure respect for human rights were facing a country that acted with impunity. Israel was the only country in the world that could flout international law without being subject to sanctions imposed by the United Nations or other international organizations. The United States, the world's major Power, had never fired on children, but Israel did. It was also the only country where the leaders were hailed as heroes for having committed war crimes. While Chairman Arafat had ordered the immediate reconstruction of Joseph's tomb after its desecration, no one had dared to ask Mr. Sharon for an apology for his actions, which had been an affront not only to Palestinians, but to the Muslim world as a whole. How long could Israel's impunity against a defenceless people be allowed to last?

56. Mr. HANNA (North South XXI) said that Christians were an integral and indivisible part of the Arab Palestinian people. They too had suffered under the Israeli occupation - many had been forced to migrate and they now accounted for less than 2 per cent of the population of the Holy Land. Several Christian churches had even been attacked during the recent events.

57. The Christian churches in the Holy Land denounced the visit by Mr. Sharon to Al-Haram Al-Sharif, which had been a provocation not only to the sentiments of Palestinian Muslims, but also to those of its Christians. They were deeply concerned about the deteriorating

situation concerning Jerusalem, which was preventing Muslims and Christians from reaching their places of worship. They supported the Palestinian objective of establishing an independent Palestinian state with Jerusalem as its capital, since a comprehensive and lasting peace could not be built in the region unless the legitimate rights of the Palestinians were restored, and they called for international intervention, through the establishment of a credible committee of investigators, to alleviate the Palestinians' suffering.

58. Mr. ARENA (International Commission of Jurists) expressed deep concern at the bloodshed in which a majority of Palestinians and Israeli Arabs had been killed. In a recent visit to the region during an ICJ (Sweden) mission, the former Ombudsman, Mr. Per Erik Nilsson, had confirmed that Israeli forces had fired live ammunition. Moreover, many of the wounded had sustained injuries above the waistline, which appeared consistent with a policy of shooting with the intention to kill. The indiscriminate and excessive use of force by the Israeli armed forces against largely unarmed Palestinian civilians and the bombing of Palestinian towns were in breach of international humanitarian law, in particular the Fourth Geneva Convention relative to the Protection of Civilians in Time of War, and also violated the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

59. The International Commission of Jurists was also deeply concerned about the torture and murder of Israeli personnel in Ramallah and called on the Palestinian Authority to investigate that crime and bring the perpetrators to justice. It urged all parties to release all hostages and remained concerned about the attacks on and killing of medical personnel of the Palestinian Red Crescent Society and the Magon David Adom in breach of the Geneva Conventions. In its resolution 1322 (2000) of 7 October 2000, the Security Council had stressed the importance of establishing a mechanism for a speedy and objective inquiry into the tragic events, and the Commission should establish an international commission of inquiry under United Nations auspices. The credibility of any such commission would depend on its independence and, while it should be composed of international experts in the field of human rights, it should exclude those nationalities whose presence might give rise to partisan influences. The commission of inquiry should carry out an objective investigation with a view to bringing the perpetrators of violations of international human rights and humanitarian law to justice. Its report should be public, as should any prosecutions that might result, and victims and their families must be afforded justice through reparations. It was imperative that the special session should deliver a prompt and substantive response to the recent events – not one that was an exercise in attributing blame, but one that provided the basis for justice to be done and to be seen to be done.

60. Ms. MIVELAZ (World Organization Against Torture) condemned all violence by all actors in Israel and the occupied territories and trusted that those responsible would be sanctioned. Her organization was specifically concerned about grave violations of human rights and humanitarian law by Israel, including the excessive and indiscriminate use of force by the Israeli military. Although Palestinian demonstrations after 28 September 2000 had generally been non-violent, the Israeli response had been disproportionate: its choice of weaponry was of the type usually reserved for battlefield military engagement rather than for civilian demonstrations and no attempt had been made to use the police or law enforcement tactics. A large proportion of the Palestinians who had died were children and 77 per cent of those shot had been shot in the upper body.

61. The number of Palestinians injured, many seriously, at the hands of Israeli settlers was estimated at more that 4,500. Hundreds of Palestinians had also been imprisoned. Detainees were routinely denied the right of due process and access to lawyers and were often ill-treated. The risk that State security concerns would take precedence over the rights of a defendant to a fair trial had been exacerbated by the recent events. The recent tensions had undoubtedly resulted from Israel's refusal to accept the right of the Palestinians to self-determination. Palestinians were deprived of control of and access to their own land, water and other economic resources through restrictions on social and economic development and measures of collective punishment. Both the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Cultural and Social Rights had found Israel to be in violation of its treaty obligations.

62. Israel had acted with absolute impunity throughout its occupation, refusing to recognize the de jure applicability of human rights and humanitarian standards. Over the previous two weeks, it had not made a single investigation into the use of force against the Palestinians, or the deaths of Palestinians. Although it had, on occasion, sought to explain its use of force, not once had it shown that force to be justified.

63. The Commission should urge Israel to put an end to its excessive use of force against the civilian population and to take lawful measures to restore order; it should condemn all violence by all actors, and urge the Palestinian Authority to investigate all cases of violence and help to re-establish law and order by rearresting the violent activists recently released. It should establish an ad hoc independent commission to investigate the human rights violations that had taken place during the recent events and determine responsibility, propose a mechanism to bring the perpetrators to account, recommend means to compensate victims and provide redress, make all its findings public, and request the Conference of the High Contracting Parties to the Geneva Convention on Measures to Enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, to reconvene and set a target date in that regard.

64. Mr. LEVY (Observer for Israel) said that, in listening to some of the accusations levelled against Israel, he could not help but wonder whether some of the speakers had been carried away by their less than perfect records on human rights issues. It was regrettable that, in their statements, Israel's neighbours had not given the slightest consideration to the other side and to the feelings of the Israeli public after the lynching of the two soldiers at Ramallah. The fact was that the peoples of the region had to live together, and as the United Nations High Commissioner for Human Rights had said in her statement at the preceding meeting, it was necessary to find ways and means of preventing the situation on the ground from being exacerbated so that the parties to the conflict could re-establish a mechanism for consultation. A culture of human rights and tolerance had to be built.

65. It was interesting that the majority, if not all, of those speaking on behalf of Arab States had not referred to the Middle East summit at Sharm el-Sheikh. That summit had now been successfully concluded with the parties to the conflict agreeing to issue public statements to end the violence and take immediate concrete measures to eliminate points of friction. It had also

been agreed that the United States would lead a fact-finding committee with the Israelis and the Palestinians, in consultation with the Secretary-General of the United Nations, to examine the recent events and ways of preventing them from occurring again in future. The United States was also to consult with the parties on how to move the peace process forward. If the parties concerned could reach agreement, so should the Commission. It should provide support and assistance in strengthening the understandings reached. Even in the present difficult times, the need for the peoples of the region to live together in peace should guide the Commission in its deliberations.

The meeting rose at 6 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifth special session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 18 October 2000, at 10 a.m.

Chairperson: Mr. SIMKHADA (Nepal)

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LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA, ADDRESSED TO THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued)

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GE.00-15615 (E)

The meeting was called to order at 10.10 a.m.

LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA, ADDRESSED TO THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/S-5/2)

1. The CHAIRPERSON, informing the Commission of the Secretary-General's remarks at the conclusion of the Sharm el-Sheikh summit, said that the Secretary-General had expressed his thanks that the leaders had renewed their commitment to resolve their differences by peaceful means and also said that: "Silencing the guns, ending the violence, is a real achievement. But language can be violence too and I also appeal to the leadership on both sides and to the wider international community to weigh their words carefully. For words can inflame or soothe, and everyone needs a restoration of calm and quiet so as to create the best possible atmosphere for a resumption of peace talks."

2. Mr. BENJELLOUN-TOUMI (Morocco) said that the disproportionate use of force by Israel, the Occupying Power, against the Palestinian civilian population, which had already resulted in the deaths of more than 100 people and injured thousands and had been condemned by the Security Council in its resolution 1322 (2000), was totally unacceptable and fully justified the convening of a special session of the Commission on Human Rights. The latest outbreak of violence had been provoked by Mr. Sharon's premeditated visit to the Al-Aqsa mosque on 28 September 2000.

3. The terrible pictures broadcast by the media on a daily basis of Palestinian children killed by the Israeli occupying forces were unbearable. Nothing could justify such actions. The Kingdom of Morocco shared the grief of the families of all the innocent victims.

4. In order to prevent such a tragedy from recurring, it was necessary to begin by clearly establishing responsibility by means of an appropriate mechanism and then to condemn Israel's policy of despoilment and collective punishment, which was one of the primary causes of the current situation. It should be recalled once again that a lasting and global peace could be established in the region only if the principles adopted at the Madrid Conference, particularly the principle of "land for peace", and in Security Council resolutions 242 (1967) and 338 (1975) were respected.

5. The Kingdom of Morocco, which was faithful to its principles, had expressed itself firmly and clearly since the beginning of the crisis. Speaking as the Chairman of the Al Quds Committee, his Majesty, King Mohammed VI, had strongly condemned the massacre of innocent children gathered to denounce an act of provocation that had undermined their beliefs and gone against their sentiments and those of all Muslims.

6. The Chairman of the Al Quds Committee had appealed to all the parties concerned, telling them that present-day generations had grown up with hope in the future and were longing for a new era based on coexistence, harmony and joint action to build a new reality guaranteeing

security and stability. That ambition would not be achieved by resorting to the massacre of unarmed civilians, but by demonstrating political courage, thereby allowing the Palestinians to recover their rights, including the right to establish an independent State with Al Quds Al Sharif as its capital.

7. The Moroccans' solidarity with their Palestinian brothers had been demonstrated in a number of ways. The Kingdom of Morocco had provided humanitarian and emergency medical assistance to the Palestinian Authority and the Mohammed V Foundation for Solidarity had given a gift of $1 million to Morocco's Palestinian brothers. In addition, hundreds of thousands of Moroccans had marched in the streets on 8 October 2000 to condemn the acts of violence and support the Palestinians' demands.

8. The Kingdom of Morocco was convinced that passion, hatred and violence should give way to dialogue, tolerance and mutual respect and called on all the parties involved in the peace process to make every effort to realize the legitimate and peaceful aspirations of the peoples of the region. In that connection, it welcomed the efforts of the United Nations Secretary-General, who had helped facilitate the organization of the summit at Sharm el-Sheikh. Morocco was hopeful that the summit would pave the way for a gradual return to calm followed by the resumption of the peace process in the Middle East. For its part, the Commission on Human Rights should help put an end to the violence against the Palestinian people and work for the resumption of an essential dialogue.

9. Mr. IBRAHIM (Sudan) said that the situation in the occupied and autonomous Palestinian territories would never have degenerated to such an extent if Ariel Sharon had not undertaken his irresponsible visit to the Al-Aqsa mosque on 28 September 2000. The fierce repression of the Palestinian civilian population which was protesting against that visit was a flagrant violation of the rules of international law and of the provisions of the Fourth Geneva Convention of 1949. The use of missiles, planes and tanks against unarmed civilians was a new act of genocide, to be added to the long list of crimes committed by Israel in Deir Yassin, Sabra and Shatila and elsewhere.

10. The international community's attention should be drawn to the grave consequences of the repeated attacks on the integrity of the Al-Aqsa mosque and to the use of that mosque as a political card in Israeli partisan struggles for electoral purposes. Such actions could strike a deadly blow to the peace process.

11. Sudan took note with satisfaction of Security Council resolution 1322 (2000) and urged Israel to comply with its provisions, in particular by cooperating with the commission of inquiry that the Council was planning to send to the region.

12. The fact that the majority of the member States of the Commission had agreed to the proposal to hold a special session was proof of the international community's deep concern about the tragic events taking place in the region, the unjustified and disproportionate violence against the defenceless Palestinian civilian population and the closure of the territories, thus preventing the transport of vital medical supplies to the injured.

13. It was essential for the Commission to adopt a resolution that aimed to put an end to the violations against the Palestinian people. The Israeli provocations and the disproportionate use of military force, in particular, should be condemned, and the necessary measures should be taken to provide the civilian population with international protection.

14. The Israeli Government had an obligation to honour the obligations it had assumed, for example, under the Universal Declaration of Human Rights and the Convention on the Rights of the Child. Israel should also comply with United Nations resolutions on the city of Jerusalem and the protection of its historical sites.

15. Sudan appealed to the international community to provide the Palestinian people with the protection and humanitarian assistance it required. An international commission of inquiry should be sent immediately to the region to shed light on the massacres committed and to identify the perpetrators, as well as to suggest steps to prevent a repetition of the events of the previous days. The High Commissioner for Human Rights should also visit the region and report to the Commission at its fifty-seventh session. Lastly, Sudan urged the High Contracting Parties to the Fourth Geneva Convention to meet as soon as possible to examine the situation in the region and bring Israel into compliance with the provisions of the Convention.

16. Mr. BETANCOURT RUALES (Ecuador) said that, in order to put an end to the violence and instability in the occupied territories and to resolve the problems associated with respect for human rights and humanitarian law once and for all, it was essential to establish a final statute on peace and cooperation among all the peoples of the region. In that connection, Ecuador supported the statement by the Rio Group in its 6 October communiqué that what had been done as a result of so much effort should not be undone and that it was essential to revive the peace process.

17. Ecuador supported the implementation of the resolutions in which the General Assembly and the Security Council set out the basic principles that should prevail in the establishment of a just and lasting peace in Israel, the West Bank and Gaza. It also supported the Oslo process which had resulted in the Wye River and Sharm el-Sheikh agreements, as well as the efforts currently being made by several Governments, with the active participation of the United Nations Secretary-General, to bring about an immediate end to the hostilities.

18. Ecuador had been in favour of convening the fifth special session of the Commission because it believed that the Commission had an obligation to help put an end to the grave violations of human rights which were being committed in the occupied territories and which had been condemned by the Security Council in its resolution 1322 (2000). In that resolution, the Security Council had classified the visit by a political leader to Al-Haram Al-Sharif in Jerusalem as a provocation which was, in the eyes of the majority of international observers, at the root of the current violence.

19. In order to stop the violence and the violations of human rights, particularly of the right to life, and to ensure that a climate of mutual respect among the peoples of the region prevailed, a mechanism should be established to carry out an inquiry into the events, to verify that human rights were respected and to indicate to the international community those responsible for their violation. The Security Council had stressed the importance of establishing a mechanism for

carrying out an inquiry and that issue had also been considered at the Sharm el-Sheikh summit. All such actions should be coordinated to avoid any duplication and ensure that the individual rights of all the inhabitants in the region were respected.

20. Peace and cooperation among the peoples of the region would be possible only if reason and tolerance prevailed and if basic human rights were respected. Those rights were not negotiable.

21. Ecuador would cooperate with the other members of the Commission to take the steps required to bring about an effective solution to the human rights situation in the occupied territories.

22. Mr. BEN SALEM (Tunisia) said that the picture broadcast by the media of a child mortally wounded by Israeli gunfire while attempting to shelter in his father's arms had highlighted the extent of Israel's blatant violations of the human rights of the Palestinian people, particularly the right to self-determination. The Israeli authorities, flying in the face of many resolutions of the Security Council, the General Assembly and the Commission on Human Rights urging them to put an end to the violations, continued to defy the international community and to violate the provisions of the Fourth Geneva Convention of 1949.

23. It was no longer just a matter of collective sanctions, the demolition of houses, the desecration of sacred places and the confiscation of possessions, but of the existence of an entire people defending its rights and its land. Under such circumstances, the Commission, which embodied the universal conscience in the field of human rights, should fully assume its responsibilities by setting up a commission of inquiry with a view to establishing the facts and determining accountability for the crimes that had been and were still being committed. In the light of their responsibilities, the High Commissioner for Human Rights and the competent Special Rapporteurs should, for their part, visit the occupied Palestinian territories immediately to examine, in accordance with their respective mandates, the situation on the ground and to report to the Commission at its next session.

24. Tunisia, which had always stood together with the Palestinian people and constantly supported the action taken with a view to establishing a comprehensive, just and lasting peace in the region, stressed that there could be no settlement until the Palestinians were able to exercise all their legitimate rights, in particular the right to establish their own State with Jerusalem as its capital, and until the refugees had exercised their right of return.

25. Mr. SEYDOU (Niger) associated himself with the statement made the previous day by the Observer for Malaysia on behalf of the Organization of the Islamic Conference, as well as the statement to be made by the representative of Nigeria on behalf of the African Group.

26. The whole world had placed much hope in the peace process and the meetings between Chairman Arafat and successive Israeli Prime Ministers. It had believed that peace was at last within reach and that the principles of brotherhood taught by several prophets who had travelled through that blessed part of the world had prevailed over professions of faith by fanatics in favour of division.

27. Today, however, hatred and violence had returned and the blood of young girls and boys struck down by the bullets of assassins was running in Palestine. Niger expressed its condolences to the families in mourning, condemned those heinous acts and requested that an international commission of inquiry should be set up to investigate the events.

28. Niger also urged Israel to put an end to its policy of occupation in the Arab territories, to stop the harassment and all manner of violent acts against the Palestinian people, to respect the Geneva Conventions of 1949 and to implement Security Council resolutions 242 (1967) and 338 (1973).

29. Mr. AL-THANI (Qatar) said that the Israeli authorities were engaged in fierce repression of the Palestinian people because the Palestinians had reacted to the incessant provocations towards them, the latest of which had been the visit by Ariel Sharon to the Al-Aqsa mosque. That irresponsible act was an affront to all Muslims, wherever they were.

30. The delegation of Qatar strongly condemned the barbaric acts of aggression which had been carried out by the Israeli army in Jerusalem and in all the occupied palestinian territories, had led to the deaths of dozens of people and had injured thousands more, constituted a blatant violation of the rules of humanitarian law as well as of international customs and instruments and placed the peace process in grave jeopardy.

31. Qatar was deeply concerned about Israel's persistent refusal to comply with the resolutions of the Security Council, the General Assembly and the Commission obliging it to bring an end to its continuing violations of human rights. The bombing of the headquarters of the Palestinian Authority and of the premises of the Palestinian security forces was one example of such violations.

32. His delegation appealed to all members of the Commission to assume their responsibilities with regard to the atrocities being committed against the Palestinian people and not to view them from the point of view of their own interests, but in terms of humanitarian law and principles. The Commission should exercise caution because the current situation the Palestinians faced was full of dangers not only for them, but for the region as a whole. In that connection, a commission of inquiry should be established to shed light on the circumstances in which the barbaric crimes had been committed and to identify the perpetrators. The necessary steps should also be taken for the competent Special Rapporteurs to visit the occupied territories and for convening the conference of the High Contracting Parties to the Fourth Geneva Convention of 1949.

33. Mr. DE AGUIAR PATRIOTA (Brazil) said that the latest round of violence in the Middle East justified the holding of the current session, not only from the humanitarian law standpoint, but also from the point of view of human rights, full respect for which was a prerequisite for the successful outcome of the peace process.

34. Having followed the important advances towards a settlement of the conflict since the Oslo Accords with high expectations, Brazil was deeply concerned about the tragic events which had been ravaging the occupied territories and East Jerusalem since 28 September 2000, and had already resulted in the deaths of more than 100 people, one third of whom were children,

and 3,000 wounded. The Brazilian Government had supported Security Council resolution 1322 (2000), which condemned the act of provocation carried out by Ariel Sharon in visiting the Al-Aqsa mosque, deplored the acts of violence and recommended the establishment of a mechanism for inquiry.

35. Brazil welcomed the results of the Sharm el-Sheikh summit and would be following with interest the development of the situation in the region. Negotiations were the only means available to the Israelis and Palestinians to enable them to guarantee their peoples a better life. Fully endorsing the statements made by the Rio Group, he called on both parties to cease the hostilities so as to re-establish the conditions necessary for the resumption of the peace process. Brazil urged both sides to cooperate fully with the Commission on Human Rights in its efforts to determine the best way to discharge its responsibilities in the face of the tragic incidents of the previous two weeks.

36. Ms. GERVAIS-VIDRICAIRE (Canada) said that the pictures of violence and suffering of the previous days in no way reflected a deep desire on the part of the Israelis and the Palestinians for peace in security and dignity. Although it was true that only the parties themselves could take the decisions necessary for the conclusion of a peace agreement, the international community had a duty to contribute to the establishment of a climate conducive to negotiation. Canada was convinced that the best way of ensuring respect for human rights and basic dignity was to encourage the parties to return to the negotiating table and help them to rebuild the respect and trust which had been shattered by the violence.

37. Canada shared the concerns recently expressed by the Secretary-General of the United Nations, the High Commissioner for Human Rights and the Commission on Human Rights and deplored the violence that had broken out in Israel, Gaza and the West Bank. The international community should do everything in its power to help the Israelis and Palestinians overcome their differences and re-establish the basis for mutual understanding. Mr. Kofi Annan had played a key role in that regard by fulfilling the mandate entrusted to him under Security Council resolution 1322 (2000).

38. While the international community had a role to play in that process, the protagonists were the Israeli and Palestinian leaders. Prime Minister Barak and Chairman Arafat should make every effort to resume the dialogue between their peoples and to rebuild the confidence which had been dealt a bitter blow.

39. Canada was grateful to the those people who had intervened to contribute to the cessation of the hostilities and urged the parties to the conflict to respect the commitments undertaken at Sharm el-Sheikh.

40. Canada had chosen to abstain in the vote on the convening of a special session of the Commission, not because it was not sensitive to the very grave human rights violations that had accompanied the confrontations between the Israelis and the Palestinians, but because it considered that international action should focus clearly on the provision of assistance to the parties to help them put an end to the violence and resume negotiations. In recent weeks, the escalation of violence in the Middle East had caused immeasurable suffering to many civilians,

both Israelis and Palestinians. However, grief and sadness should not embitter the relations between those two peoples and Canada urged them to look to the future and to strive to re-establish a climate conducive to negotiation.

41. Mr. KALAKE (Botswana), expressing his condolences to those who had lost loved ones during the events of recent weeks, said that he regretted and condemned the escalation of violence and urged the parties to the conflict to cease the hostilities immediately. It would be regrettable if the recent progress towards peace were to come to nothing because of the current confrontations between Israelis and Palestinians. Recourse to violence in an attempt to resolve the difficult issues of the Middle East could only result in catastrophe for all the peoples of the region. Violence would only open wounds and fuel the mistrust and hatred that the negotiations between the Palestinians and Israelis had endeavoured to consign to the past.

42. Botswana had repeatedly stated that it recognized the right of the State of Israel to exist and that of the people of Israel to live in peace within internationally recognized borders. However, recognition of that fact went hand in hand with the inalienable right of the Palestinian people to self-determination and to create a state. Nothing short of acknowledgement of those facts by Israel and its neighbours could lead to peace in the Middle East.

43. Botswana welcomed the efforts of the United Nations Secretary-General and hoped that they, together with the efforts of the leaders of the Middle East and the United States, would bring the Palestinians and Israelis back to the path towards peace.

44. Mr. VEGA (Chile) said that the escalation of the violence in the occupied territories had taken place relatively shortly after the Camp David Conference , where the Palestinian Authority and the Israeli Government had been very close to reaching a peace agreement. The progress made in the area of mutual recognition and cultural tolerance could be jeopardized by the increase in human rights violations, particularly as far as the rights of the Palestinian people were concerned. The acts of violence, participation of children in the conflict, demonstrations of racism and intolerance and the death of children and adolescents would make it difficult to revive the peace process in the Middle East.

45. Against that background, it would have been incomprehensible for the main body for defending human rights not to meet to contribute to the search for lasting solutions by pooling its efforts together with those of other bodies in the United Nations system and diplomats.

46. His delegation shared the High Commissioner's view that the Commission was the appropriate body to take part in the forthcoming inquiry or at least to support it. It should act with precision and caution and take care not to hamper the efforts of the various actors to reduce the tension. Its primary mission was to preserve human dignity and the right to life, as well as to help to replace the logic of violence with one of coexistence.

47. The Government of Chile would support all the efforts aimed at achieving a peaceful solution to the conflict - one which respected the relevant Security Council resolutions, the right to life and the right of Israelis and Palestinians to live within safe and internationally recognized borders.

48. Mr. ARENALES FORNO (Guatemala) said that his Government would support all concerted action to assist the Israeli Government and the Palestinian Authority to guarantee the human rights of the two peoples, but would have to oppose any steps that would have a negative impact on the negotiating process, which he hoped would be revived following the agreements reached at Sharm el-Sheikh.

49. The Government of Guatemala was convinced that it would be impossible to ensure respect for human rights in Israel and the occupied Arab territories until an agreement on a firm and lasting peace had been reached between the Israelis and the Palestinians. For that reason, the Commission, which had clearly met to react to the current tragic violence and confrontations, should exercise great caution so as not to jeopardize the efforts being made to save the negotiating process between the Israeli Government and the Palestinian Authority.

50. The Commission should not favour any one of the parties or lend credence to the view that it was possible to respond to provocation and violence with even greater provocation or violence. The Israeli Government and the Palestinian Authority had a duty to bring about an end to the confrontations and to resume negotiations. The Commission, for its part, should only take measures that could prevent any future violations of the human rights of the two peoples.

51. Mr. CHANG Man-soon (Republic of Korea) said that the grave circumstances that had led to the convening of the special session were a vivid reminder of how vulnerable human rights and humanitarian considerations were in an explosive situation. They showed that, in the absence of a lasting peace, innocent civilians were victimized all too often.

52. His Government deplored the loss of human life and condemned the acts of violence, in particular the disproportionate use of force against civilians. It therefore supported Security Council resolution 1322 (2000), which stressed the importance of establishing a mechanism for carrying out an objective inquiry into the current events with the aim of preventing their repetition and called upon Israel to abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention of 1949. In that connection, the Republic of Korea noted with satisfaction the readiness expressed by the High Commissioner for Human Rights to facilitate the inquiry. It also agreed with the High Commissioner that the Commission should study ways and means to prevent the situation from deteriorating in the future and that a mechanism to defuse potential crises should be established.

53. He welcomed the agreement concluded the previous day at Sharm el-Sheikh by the parties concerned to undertake to end the violence and revive the peace process and, in particular, the decision to establish a fact-finding committee. If the agreement were applied in good faith, it should enable progress to be made. The Republic of Korea had always attached great importance to a negotiated settlement between the two sides - the only option in its view for establishing a just, comprehensive and lasting peace - and considered that, after so much effort and hope, the peace process could not be allowed to falter.

54. Mr. DESPOUY (Argentina) said that his country was very concerned about the current situation in the Middle East, particularly as far as human rights were concerned. It welcomed the negotiations in progress that were aimed at ending the violence. The Latin American countries had supported the holding of the current special session, as they believed that peace was

inextricably linked to respect for human rights. Was not the United Nations action based on the belief that a lasting peace was inseparable from the existence of effective and universal mechanisms aimed at guaranteeing human rights?

55. The special session should set itself at least three basic objectives: to evaluate the situation, to propose measures that could stop the escalation of violence and fully re-establish human rights and fundamental freedoms. In view of the complexity of the issue, Argentina hoped that the decisions to be taken by the international community would be the result of dialogue and consensus. The responses to the current crisis should be based essentially on consensus.

56. On 12 October 2000, representatives of the Jewish and Arab communities in Argentina had met with the President of the Argentine Republic to make a joint appeal for peace and the peaceful coexistence of the two communities.

57. Mr. RODRÍGUEZ CEDEÑO (Venezuela), speaking on behalf of the Group of Latin American and Caribbean States, said that the Group had unanimously supported the convening of the special session because the Commission had a duty to act to protect human rights all over the world.

58. All the information available confirmed the gravity of the situation and the fact that excessive force was being used against the Palestinian people. As one of the basic conditions for peace was the full respect for human rights, the Commission's first task was to appeal for an end to the violence, for the resumption of dialogue between the parties to the conflict and for respect for the human rights of the populations concerned. While deploring the recent events in Palestine, the Commission should encourage the parties to protect civilians.

59. It was to be hoped that the parties directly or indirectly involved in the peace process would have the wisdom to make negotiation and reason prevail. The establishment of peace and security in the Middle East presupposed respect for the principles enshrined in the Charter of the United Nations, the realization of the inalienable rights of the Palestinian people, including its right to self-determination, respect for the principles of international law, human rights and international humanitarian law, in particular the Geneva Conventions, as well as the implementation of relevant Security Council and General Assembly resolutions. In that connection, the decisions to be taken at the current session should contribute to the immediate settlement of the serious crisis and to the prevention of similar situations in the future. He hoped that a broad consensus would be reached enabling the Commission to carry out successfully its fundamental mission of protecting human rights. For that reason, it was essential to ensure that the decisions taken were followed up.

60. Mr. PETIT (France), speaking on behalf of the European Union and the Central and Eastern European associated countries of Bulgaria, the Czech Republic, Estonia, Hungry, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia and the other associated countries of Cyprus, Malta and Turkey, welcomed the agreement which had been reached at Sharm el-Sheikh and which would signal an end to the violence and a return to the path of peace. The tragic events of the previous week had led the international community to take action to face the real danger of rebellion that was threatening the Middle East. The European Union was shocked at the number

of victims, the majority of whom were Arabs from the occupied Palestinian territories and Israel and included a very large number of children. It was deeply concerned about the continuation of the confrontations in the Palestinian territories, and had requested Mr. Solana, the Secretary-General of the Council of the European Union and the High Representative for the Common Foreign and Security Policy, to visit the region to help to defuse the crisis. It had condemned unreservedly the serious incidents that had taken place and reaffirmed its rejection of extremist provocations. It had also firmly called for full respect of places considered holy by the worshippers of all religions. Furthermore, it had categorically condemned the disproportionate and indiscriminate use of force that could only make the prospect of peace more remote.

61. Only a negotiated settlement could satisfy the desires of the Israeli and Palestinian people for peace and security. The agreement that had just been brokered at Sharm el-Sheikh provided for an end to the violence, the establishment of a fact-finding committee and the revival of the peace process. The European Union welcomed the efforts of all those involved in achieving that agreement, particularly the United Nations Secretary-General, whose tireless and determined efforts had helped to prevent the worst from happening.

62. The Commission on Human Rights could not remain oblivious to the deterioration of the situation in the occupied Palestinian territories and Israel. The international community had a duty to show that it was determined to react wherever such events took place, whether in the Palestinian territories or elsewhere in the world.

63. In replying to the Arab Group's request to convene the special session, the European Union had emphasized the need for the Commission to contribute to the activities taking place in other bodies to put an end to the violence without compromising the action undertaken to re-establish peace. The European Union called for a combined effort to be made with a view to reaching joint conclusions which would enable the Commission to make a useful contribution in the current critical period.

64. Ms. KUNADI (India), associating herself with the statement made by Indonesia on behalf of the Asian Group, said that India was convinced of the need for dialogue and negotiations in order to find a just, comprehensive and lasting settlement of all the issues between the Israeli and Palestinian sides. It was deeply concerned and shocked about the recent incidents of violence in the Middle East. Those incidents had been the result of deliberate acts of provocation and had led to the excessive use of force and to the violation of basic human rights, including the right to life. The large number of innocent victims, including many children, was particularly shocking. The Indian Government had expressed its deep condolences to the families of the victims and reaffirmed its willingness to provide all possible assistance to the friendly Palestinian people. In that connection, it had decided to provide medical supplies to the Palestinian Red Crescent Society. It welcomed the sincere efforts made, in particular by the United Nations Secretary-General, to put an end to the violence and bring both sides back to the negotiating table. It was to be hoped that the meeting at Sharm el-Sheikh would facilitate the achievement of those objectives.

65. For the time being, the restoration of peace and calm could be ensured only by avoiding provocation and shunning the indiscriminate use of force. At the same time, an impartial and

objective assessment of the violent incidents was called for in order to take stock of the human rights violations and to learn lessons for the future. The recent events should not be allowed to delay or derail the peace process for which Palestinian and Israeli officials had striven so hard. With will, determination and a commitment to resolving issues peacefully, no obstacle was insurmountable.

66. Mr. JANSONS (Latvia), associating himself with the statement made by the representative of France on behalf of the European Union, said that his Government had been dismayed by the escalation of violence and the suffering of the peoples in the occupied Palestinian territories and had supported the call to convene the current special session. The holding of the session showed that the international community was deeply concerned about the escalation of the violence in the Gaza Strip and the West Bank. Latvia condemned the violent acts and urged the two parties to refrain from using force to achieve political objectives. Only negotiation and diplomacy should be used to resolve the crisis.

67. Latvia welcomed the efforts made, particularly by the Secretary-General of the United Nations, to bring about an end to the violence and encourage the resumption of dialogue. It welcomed the results of the meeting at Sharm el-Sheikh, which would pave the way for further negotiations. It also hoped that the Commission, through its discussions, would contribute to the ongoing efforts to find a lasting solution to the conflict and focus exclusively on the human rights aspects of the issue. The Latvian Government was convinced that the parties to the conflict must abide by the norms of international law and respect their obligations under the Fourth Geneva Convention and the relevant United Nations resolutions.

68. Mr. AIDEED (Observer for Oman) said that the Palestinian territories, including Jerusalem, continued to be the scene of bloody confrontations resulting from the military operations carried out by the Israeli army against defenceless Palestinian civilians. In only a few days, hundreds had been killed and wounded, the majority of whom were children whose only crime had been to defend their land and their legitimate rights. It was therefore hardly surprising that the Israeli actions had aroused so much indignation within the international community.

69. The holding of a special session of the Commission on Human Rights was a commendable initiative that showed that international public opinion was sympathetic to the cause of the Palestinian people and opposed to the blatant violations of the legitimate rights of that people. The support shown by the majority of the member States of the Commission for the convening of the current session attested to that fact.

70. His delegation urged all member States to take action within the limits of the Commission's mandate to bring about an end to the massacres of innocent civilians, including women, children and the elderly, and not to put obstacles in the way of the adoption of the draft resolution submitted to the Commission.

71. The Commission should condemn Israel's persistent policy of colonialization, confiscation of land, arbitrary detention, expulsion without trial and isolation of villages, which had been described in detail in the different reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the

Occupied Territories. It should, in particular, urge Israel to lift the seal around all the Palestinian territories, including Jerusalem, and guarantee that humanitarian assistance could reach the Palestinian people.

72. Oman associated itself with previous speakers who had suggested that the High Commissioner for Human Rights and the competent Special Rapporteurs should visit the occupied territories as soon as possible to examine the situation of the Palestinian people and report to the Commission at its fifty-seventh session.

73. Monsignor BERTELLO (Observer for the Holy See) said that the events that were plunging the Middle East into grief highlighted the need for a lasting commitment towards peace and the respect for human rights. The Holy See welcomed and encouraged the international community's efforts to promote peace in the region through the resumption of a continuous and constructive dialogue. Peace would not be genuine and lasting unless it was based on international law, justice and respect for the rights of all.

74. A climate of confidence had to be restored between the peoples of a land known by name as "holy" because the three most important monotheistic religions, Christianity, Islam and Judaism, had their spiritual roots buried deep in its soil. However, it should not be forgotten that certain fundamental rights, such as the right to an independent state and government or the right to security and freedom of cultural expression and tradition were not always respected. Tensions, which might sooner or later degenerate into violence and fuel feelings of hatred and rancour, would persist as long as a people was unable to enjoy its fundamental rights.

75. In the past, the two peoples in question had lived side by side, often in extremely tense and delicate situations. They now had to see their rights recognized: the right to enjoy safe and peaceful living conditions, on the one hand, and the possibility of having a land, being self-governing and living in peace and tranquillity with their neighbours, on the other. Full respect for human rights was the only guarantee of genuine cohabitation enabling all the peoples of the region to recover their dignity and honour.

76. Calling for greater international solidarity and political will to rise to the challenge, he urged the political leaders to implement the agreements that had already been concluded and continue on the path to peace. Recalling that article 1 of the Universal Declaration of Human Rights stated that all human beings were born free and equal in dignity and rights, he said that the international community should undertake to ensure that that principle was always safeguarded and defended and demand justice when it was violated.

77. Mr. ABUSEIF (Observer for the Libyan Arab Jamahiriya) said that the holding of the current special session enabled the international community to see the specious nature of the peace process, which had been scuppered since the bloodthirsty Ariel Sharon had desecrated the Al-Aqsa mosque with the connivance of Ehud Barak.

78. The Zionist entity was a foreign body implanted in the Arab organism and the Israelis themselves were well aware of that fact. Having used force to settle in the region, they were obliged to use force to remain, hence the policy of ethnic cleansing pursued by the Israeli occupant in violation of the principles of the Charter of the United Nations and the provisions of

the Universal Declaration of Human Rights and the Fourth Geneva Convention of 1949. The use of heavy artillery against defenceless civilians was clearly intended to eliminate any Palestinian presence in the region. Israel was therefore continuing its policy of genocide and the international community was not taking the slightest coercive action, as it had been authorized to do under the Convention on the Prevention and Punishment of the Crime of Genocide and the many United Nations resolutions that had been adopted.

79. The Libyan Arab Jamahiriya condemned those practices and called for the heaviest possible sanctions to be imposed on Israel. Steps should be taken to protect Palestinian civilians and the necessary mechanisms established to shed light on the recent events.

80. Mr. ABDULLA (Observer for Bahrain) said that the repeated massacres of the Palestinian people by the Israeli occupation forces and Jewish settlers by means of the most deadly armaments, including weapons prohibited by the international community, and the total economic blockade on the Palestinian territory jeopardized the prospects for peace in the region more and more each day. The current bloody events showed yet again that Israel respected neither its commitments nor its agreements with the Palestinian Authority and it continued to use threatening language towards the Arab States that only served to heighten the tension.

81. Under those circumstances, the State of Bahrain welcomed Security Council resolution 1322 (2000) condemning the use of force by Israel. The resolution showed that the international community had recognized that neither peace nor stability could be achieved in the region unless the legitimate aspirations of the Palestinian people were duly taken into account.

82. In that connection, his delegation recalled the decisions which had been taken by the Council of Ministers of the Gulf Cooperation Council on 1 and 2 September 2000 and which supported the Palestinian leaders' position on the peace process, which was based on the principle of "land for peace", and reaffirmed that the question of the status of Jerusalem, which was at the very heart of the matter, could be settled only in accordance with Security Council resolutions 242 (1967) and 338 (1973). In the spirit of those decisions, the State of Bahrain welcomed the proposal by President Mubarak to hold an emergency summit of Arab heads of State and/or Government in order to establish a common Arab position, to put an end to the atrocities being suffered by the Palestinian people and to revive the peace process in the region in such a way as to ensure that the rights of the Palestinian people were respected.

83. Mr. HANE (Organization of the Islamic Conference), recalling that the fifth special session of the Commission had been convened on the joint initiative of the League of Arab States and the Organization of the Islamic Conference, expressed his gratitude to those two groups and welcomed the almost unanimous support that the initiative had received from the various members of the Commission.

84. In view of the massacres committed by the Israeli forces since the act of provocation carried out on 28 September 2000 by Ariel Sharon within the precincts of the Al-Aqsa mosque, the Commission should request Israel to put an immediate end to its aggressions and massacres of the Palestinian people, to lift with immediate effect the seal established around Palestinian villages and towns, to withdraw its forces and military equipment to their positions

before 28 September and to apply fully the provisions of the Fourth Geneva Convention, whose High Contracting Parties should meet to assess the implementation of that Convention in the occupied territories.

85. The Commission should also quickly establish an international commission of inquiry to ascertain the facts on the violations of human rights in the occupied Palestinian territories, including Jerusalem, and to suggest measures to prevent the recurrence of a similar tragedy. It should also request that the Office of the United Nations High Commissioner for Human Rights should put to use on the ground all the appropriate mechanisms at its disposal.

86. The Organization of the Islamic Conference expressed its condolences to the Palestinian people and leaders and recalled that it would continue to support the Palestinian people in its struggle for recognition of the right to freedom and independence in a State with Al-Quds Al-Sharif (Jerusalem) as its capital.

87. Mr. MADI (Observer for Jordan) said that the fact that the Commission on Human Rights was holding a special session clearly showed that the international community, driven by the principles of the indivisibility and universality of human rights, was taking a strong position against the activities of the Israeli occupation forces. The Hachemite Kingdom of Jordan was deeply concerned about the deterioration of the situation in the occupied Palestinian territories, including Jerusalem, and the decline in the peace process in the Middle East. The political and economic pressure and the repression exerted by Israel against the Palestinians could lead to the collapse of the peace process and result in desperation.

88. For that reason, his Government considered that it was essential to support the principles and objectives of the Charter of the United Nations, humanitarian law and all the international instruments and resolutions of the General Assembly and the Security Council; to ensure the cessation of the military operations and aggressions against Palestinian civilians, the withdrawal of Israeli troops from the territories under Palestinian jurisdiction and respect for holy places; to reaffirm the responsibility of the United Nations and the international community in the settlement of the question of Palestine; to call for the High Contracting Parties to the Fourth Geneva Convention to reconvene; to condemn Israel's lack of respect for the various United Nations resolutions to ensure that all the administrative provisions intended to change the legal status and demographic composition of Jerusalem and other parts of the occupied Palestinian territories were repealed; to support the resumption of the peace process in the Middle East in accordance with Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace; to condemn the excessive use of force and the destruction of civilian infrastructures by the Israeli army; to send a commission of inquiry to the region; and, lastly, to request the United Nations High Commissioner for Human Rights and the competent Special Rapporteurs to visit the area and report to the Commission at its fifty-seventh session.

89. The only way of ensuring security in the region was to engage in a constructive dialogue based on mutual respect and the clear will to implement the peace agreements. It was up to Israel to protect its own citizens and to fight against Israeli extremism as well as to work towards coexistence and respect for the human rights of the Palestinian people. Jordan called on Israel to put an end to the massive violations of human rights, the excessive use of force and collective

sanctions and to implement the agreements concluded with the Palestinians in the time frame provided for, as well as to pave the way for genuine peace with Libya and the Syrian Arab Republic. Jordan also called for the Sharm el-Sheikh undertakings to be implemented as soon as possible and for a return to the situation that had existed prior to the events of the previous weeks.

90. Mr. NASR (Observer for Lebanon) said that the Commission on Human Rights met in special session only when grave events were taking place. The current session had been convened as the Palestinian people had been brutally attacked; the rights of that people were being violated by the Israeli authorities and armed forces that did not hesitate to use all the weapons at their disposal, including artillery and air power, when all they faced were youths throwing stones in response to acts of provocation by Israeli officials. The intifada was a simple demonstration of frustration and anger against the continuation of the Israeli occupation and the fact that the Israeli authorities were refusing to recognize the right of the Palestinian people to live in peace in an independent State and the Palestinian refugees' right of return. As if the repression was not enough, Israel was imposing a blockade on the West Bank and Gaza that quite clearly constituted a collective punishment contrary to international law.

91. To any impartial observer, the Israeli arrogance was not new. For several years, Israel had continued its well-known practice of violating human rights. It had created detention camps and the Israeli Supreme Court had approved the use of administrative detention as a counterpart in the negotiations. As an example of that principle, 19 Lebanese nationals remained in administrative detention in Israel and Israel was refusing to release them despite the good offices of international representatives whom the Israeli authorities were treating with disdain or on whom they were putting pressure.

92. The Commission and its members should condemn the acts of provocation perpetrated by the Israeli authorities and the disproportionate use of force by the Israeli army and do everything possible to bring about an end to the repression of the Palestinian people and ensure that it was protected in accordance with international law. An international commission of inquiry should also be established to shed light on the events of previous weeks and to put pressure on Israel in order to achieve a just and lasting peace for all.

93. Mr. SUNGAR (Observer for Turkey) expressed the hope that the Commission's work would help revive the peace process in the Middle East. From the very beginning of the events of concern to the Commission, the Turkish Government had maintained constant contacts with all the parties involved and had called on Israel to cease its military operations and avoid any escalation of the violence. The withdrawal of the Israeli defence forces would constitute an important step towards the normalization of the situation in the region. The provocations and violence carried out in the occupied Palestinian territories at a time when the peace process in the Middle East had reached a critical stage were indeed deplorable. It was widely accepted that the excessive use of force, especially in Ramallah and Gaza, had had tragic consequences.

94. The Sharm el-Sheikh summit had yielded positive results which were welcome. It was high time for all the parties to exercise the utmost restraint and to take the necessary actions to stop the violence immediately. The true success of the Sharm el-Sheikh summit would depend

on the results achieved on the ground. In order to prevent such a tragedy from recurring, an impartial commission of inquiry should therefore be established to look into the causes of the recent events.

95. Turkey had always supported the peace process in the Middle East, emphasizing the importance of a comprehensive, just and lasting settlement based on legitimacy, the relevant United Nations resolutions and the principle of "land for peace". He hoped that the peace process was not dead and urged the international community to leave no stone unturned in order to achieve a lasting peace in the region.

96. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that in recent days, the world had witnessed another massacre by the Israeli occupation forces. No human being could help but be shocked by the disproportionate use of force by the Israeli army, particularly of heavy artillery. During the previous weeks, over 100 Palestinian civilians had been deliberately killed and thousands of others injured by the occupation forces. Those massacres constituted crimes of genocide and ethnic cleansing and were a flagrant violation of the right to life.

97. The human rights violations in the occupied Palestinian and Arab territories dated back to the very first days of the Israeli forces' occupation of the region. Aggressions, arbitrary detention, collective punishment, terror and torture were but a few of the crimes perpetrated by Israel in violation of the provisions of a number of international instruments. The Palestinians had faced those savage acts with bravery, showing once again their determination to resist the Israeli aggression.

98. The Occupying Power in Palestine refused to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights and was continuing its expansionist policy aimed at imposing the fait accompli and of judaizing the holy city of Jerusalem. The international community in general and the Islamic world in particular should provide every assistance to the Palestinian people in its struggle to preserve the holy shrines of Islam and ensure respect for the inalienable rights of that people. In that connection, the Commission on Human Rights had a responsibility to condemn explicitly the excessive use of force by the Occupying Power. It should also establish a committee to ascertain the causes of the recent events and to identify the perpetrators of the crimes committed with a view to bringing them to justice.

99. Endorsing the statements made by the representatives of and observers for the Organization of the Islamic Conference, the Arab League and the Asian Group, he said that the root causes of the Palestine question had to be addressed if a just and comprehensive solution was to be found. The key to such a solution lay in bringing about an end to Israeli occupation, ensuring respect for all the rights of the Palestinian people, including the right of Palestinian refugees and displaced persons to return to their homeland, and the liberation of all the occupied territories.

100. Mr. AL-ATTAR (Observer for Yemen), endorsing the statements made by the representatives of and observers for the Arab League, the Organization of the Islamic Conference and the Asian Group, said that unanimous response to the call to convene the

fifth special session of the Commission proved that the question of Palestine was of concern to the whole world and that it was high time to reach a peaceful and just solution that respected the right of the Palestinian people to establish a state with Jerusalem as its capital. Unfortunately, Israeli policy, characterized since 1948 by the arrogance of its armed forces in the occupied territories, the use of various forms of torture, the killing of women, children and the elderly, and the violation of human rights, had thwarted all the efforts made in that regard. According to a preliminary estimate, more than 120 civilians had been killed in the recent events and more than 4,000 had been injured, a third of whom were children.

101. The Republic of Yemen strongly condemned the criminal acts perpetrated by the Israeli colonial army. It called on the international community to adopt a clear position with respect to the events in the occupied territories, to apply the relevant resolutions of the United Nations bodies and to insist on the implementation of the Fourth Geneva Convention and of all the relevant international instruments. The Commission on Human Rights should also ensure the protection of the Palestinian people, establish a commission of inquiry and take the relevant decisions to prevent such a tragedy from recurring.

102. The Republic of Yemen was committed to the peace process in the Middle East on the basis of the relevant international resolutions, in particular Security Council resolutions 242 (1967) and 338 (1973), respect for the principle of land for peace and the restoration of the Palestinian and Arab Territories occupied in 1967, including Jerusalem. It was no longer possible to accept a peace based on intimidation and the use of force. For that reason, he urged the Israeli forces to stop the arbitrary use of force against innocent civilians and to end the blockade of the Palestinian territories. He also condemned the visit by Ariel Sharon to the holy sites of Jerusalem, which had constituted a provocation to the Palestinians in particular and to Muslims in general.

103. Terrorism was far from limited to the Middle East and had become a worldwide phenomenon. While the Republic of Yemen condemned terrorism and would fight it regardless of its origin, efforts should be coordinated at the international level in order to put an end to a phenomenon that threatened stability and peace throughout in the world.

104. Mr. LEVY (Observer for Israel) urged the participants in the special session to weigh their words carefully, since, as the Secretary-General had indicated, language could be violence.

105. Since his return to Israel, Mr. Barak had indicated his Government's intention to implement the Sharm el-Sheikh undertakings. Accordingly, he had ordered the security forces to implement all the provisions of the Sharm el-Sheikh declaration and, for that purpose, to establish contacts with their American and Palestinian counterparts. The Prime Minister had emphasized that the Israeli army and police would take great care to halt the violence and to prevent any additional loss of life.

106. The parties to the conflict had an additional opportunity to get back on track towards stability, coexistence and cooperation. It appeared that the Palestinian Authority had made an official statement to the effect that the Sharm el-Sheikh undertakings were a basis for a peace agreement between Israel and the Palestinians, even though the summit had not met Palestine's

full expectations. The summit had not met all the Israeli expectations either, but that was the essence of negotiation and compromise. The Palestinian Authority had also announced that Israel's undertakings illustrated its desire for peace.

107. While there were extremists who were opposed to the Sharm el-Sheikh understandings, he hoped that nobody in the Middle East or in the Commission on Human Rights would encourage, albeit inadvertently, a return to violence and he urged all participants in the special session to support the parties which had reactivated the dialogue and to do nothing that might prevent a cessation of the violence.

108. Mr. RAMLAWI (Observer for Palestine) said that a clear distinction should be drawn between what had taken place in Sharm el-Sheikh, which fell within the political arena, and what was of concern to the Commission, namely, the question of respect for human rights only. The objective in Sharm el-Sheikh had been to obtain results favourable to the dominant party in a situation where the balance of power was obvious. However, it was clear that the conclusions of the Sharm el-Sheikh summit were subject to the implementation of the commitments undertaken in Egypt and, specifically, the cessation of violence.

109. He was accustomed to the fact that the words of the Israeli authorities did not reflect what was actually happening on the ground. On 17 October 2000, after Mr. Barak had returned from Egypt and had informed the Israelis that the Sharm el-Sheikh summit had been a victory for them, the Israeli occupation forces had bombed the town of Rafah, killing 4 people and wounding dozens more. Furthermore, 24 hours after Mr. Barak's return, nothing on the ground had changed, as the Israeli forces continued to fire on Palestinians and the occupied Palestinian territories remained closed.

The meeting rose at 1.10 p.m.

UNITED
NATIONS

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Economic and Social
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24 October 2000

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COMMISSION ON HUMAN RIGHTS

Fifth special session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 18 October 2000, at 3 p.m.

Chairperson: Mr. SIMKHADA (Nepal)

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LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued)

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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-15619 (E)

The meeting was called to order at 3.10 p.m.

LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/S-5/2)

1. Mr. LAGOS PIZZATI (El Salvador) said that his delegation welcomed the agreement that had just been concluded between the Israelis and the Palestinians at Sharm el-Sheikh. El Salvador called on the two sides to refrain from acts of violence and provocation and ensure respect for human rights. The Salvadoran people knew from their own experience that respect for human rights was an indispensable precondition for fruitful dialogue and the achievement of peace. His delegation hoped that the Sharm el-Sheikh agreement would lead to a resumption of dialogue and constructive negotiations.

2. Mr. SIDOROV (Russian Federation) said that the immediate challenge was to halt the upsurge of violence and bloodshed and defuse tension in the Occupied Palestinian Territory. His delegation hoped that the Sharm el-Sheikh agreement would help to normalize the situation and safeguard human rights. The Russian Federation had tried to play a constructive role since the very beginning of the crisis, insisting on the need to calm passions and look to the future. The international community should adopt a similar approach.

3. Mr. HUSSAIN (Pakistan) said that the tragic events of the last few weeks had reminded the international community that the human rights situation in the occupied Palestinian territories was far from satisfactory. They were also a reminder that enduring peace would never be achieved unless violations of fundamental human rights were addressed. Pakistan had steadfastly supported the Palestinian people's right to self-determination and repeatedly called for the withdrawal of Israeli forces from the occupied territories. The repressive actions of the Israeli security forces during the recent disturbances had flagrantly contravened international humanitarian law and violated the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. They had also jeopardized the entire peace process. The implacable hostility of Israeli extremist elements towards the peace process had also become apparent.

4. Successive peace agreements had promised that the Palestinians would get back most of their land in exchange for peace with Israel, but those promises had not been honoured by the occupying Power. Illegal Israeli settlements had continued to expand. The Palestinians had endured decades of restriction on their freedom of movement. Israel should immediately end all violence against the Palestinian people, as called for by the Security Council resolution 1322 (2000). Pakistan supported the convening of an international inquiry to investigate recent violations of Palestinian rights and bring those responsible to justice. In addition, the High Commissioner for Human Rights and the Special Rapporteurs of the Commission on Human Rights should visit the region and report on their findings. Ultimately, there was no other path to peace except tolerant coexistence.

5. Mr. SKOGMO (Norway) said that Norway deeply regretted the suffering and loss of life that had occurred in the occupied Palestinian territories in the last few weeks and deplored the

indiscriminate use of force by the Israeli defence forces. The latest round of violence was a direct threat to the peace process itself and the stability of the entire region. Although his Government welcomed the Sharm el-Sheikh agreement, it noted with concern that the violence was continuing, and that could only be to the detriment of human rights.

6. Israel had a clear duty to respect international humanitarian law and the Fourth Geneva Convention, which provided for a minimum standard of humanitarian protection in occupied territories. The applicability of the Fourth Geneva Convention to the occupied Palestinian territories had been reaffirmed by the Security Council and the General Assembly.

7. The positive economic and social development of the Palestinian territory was essential for sustainable peace. A healthy economy would enable the Palestinian people to enjoy economic, social and cultural rights. Norway intended to continue its high level of financial commitment to the Palestinian territory with a view to developing local institutions for the realization of those rights. The parties should put a stop to confrontation and continue to cooperate in the spirit of the peace accords. Respect for human rights was indispensable for the achievement of a comprehensive, just and lasting peace.

8. Mr. KIM Song-chol (Observer for the Democratic People's Republic of Korea) said that his delegation was gravely concerned by the serious situation in the Occupied Palestinian Territory and the indiscriminate use of force by the occupying Power. The use of armed force against innocent civilians had led to massive violations of human rights. Until Israel responded meaningfully to the appeals of the international community regarding respect for Palestinian rights, there was no guarantee that the peace process would resume. His Government reaffirmed its support for the Palestinian people in their struggle to restore their legitimate national rights.

9. Mr. HAMIDON (Observer for Malaysia) said that his delegation endorsed the statements made earlier on behalf of the Group of Asian States and the Organization of the Islamic Conference (OIC). While appreciating the complexities of the Middle East peace process, particularly the issue of Jerusalem, his delegation urged the Israeli authorities to cease all provocation and acts of violence against civilians. The continuing Israeli military aggression was in clear breach of Security Council resolution 1322 (2000).

10. The most recent report of the Special Rapporteur pursuant to Commission on Human Rights resolution 1993/2 A (E/CN.4/2000/25) seemed to indicate that the occupying forces had used indiscriminate and excessive force in cases where there had been no threat to their lives. It appeared that deadly force had been used without warning. His delegation noted that the earlier comments by the representative of Israel were not consistent with the Special Rapporteur's findings. The report also made it clear that the Israeli settler population had emerged as a paramilitary force and that collective punishment, the shelling of homes and the destruction of infrastructures, all of which contravened the Fourth Geneva Convention, had continued unabated. As to the proposed international commission of inquiry, considerations of urgency and objectivity were paramount. Justice delayed would be justice denied. Failure to establish an international commission now, when the situation so urgently demanded it, would clearly be a regressive step.

11. Peace could be achieved only when the inalienable right of the Palestinian people to self-determination had been recognized and when an independent and sovereign Palestine had been established with Al-Quds (Jerusalem) as its capital.

12. Mr. NGUYEN QUY BINH (Observer for Viet Nam) said that his Government had been deeply shocked by the recent violence in the occupied Palestinian territories and condemned the senseless and unjustified actions of the Israeli security forces. Viet Nam had consistently advocated a peaceful settlement of the Palestinian question. It also supported the inalienable rights of the Palestinian people, such as the right to establish an independent state with Jerusalem as its capital and the right of Palestinian refugees to return to their homeland. Peace could be established in the region only if the two sides complied with the relevant resolutions of the Security Council and the General Assembly and the various international agreements they had signed. Israel should honour its obligations under the Fourth Geneva Convention and lift the blockade of Palestinian towns and villages, which constituted a collective punishment. Lastly, his delegation supported the establishment of a mechanism for carrying out a speedy and objective inquiry into the tragic events of the last few weeks.

13. Mr. OULD MOHAMED LEMINE (Observer for Mauritania) said that his delegation endorsed the earlier statements made on behalf of the League of Arab States, the Organization of the Islamic Conference and the Group of African States. Measures should to be taken to protect Palestinian civilians from Israeli aggression. The onus was on Israel, as the aggressor, to restore the situation that had existed prior to the upsurge in violence. An international commission of inquiry should be set up to investigate the recent events in the occupied territories. Mauritania believed that peace was a strategic choice and that there could be no peace without recognition of the inalienable rights of the Palestinian people, which included the establishment of an independent Palestinian state with its capital at Al-Quds. Negotiation remained the most effective means of reducing tension and confrontation and thereby achieving a just and lasting peace.

14. Mr. CAMARA (Observer for Guinea) said that, by endorsing the statements made earlier on behalf of OIC and the Group of African States, his delegation wished to express its concern at the recent violence in the occupied territories, its impact on the peace process and the consequences for stability in the Middle East. The international community should put pressure on Israel to abide by international law and comply with the decisions of the Commission on Human Rights and the relevant Security Council resolutions. His Government called for the convening of an international commission of inquiry, an end to the use of force, a return to dialogue and the establishment of a free and sovereign Palestinian state.

15. Mr. FARRELL (Observer for New Zealand) said that his Government had been shocked and saddened by the events that had taken place in the occupied territories since the end of September and had given $NZ 100,000 to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNWRA) for emergency medical supplies. He called on both sides to exercise restraint and ensure that international human rights standards and obligations were observed. Israelis and Palestinians should also honour the agreement reached by their leaders at the Sharm el-Sheik summit. New Zealand particularly welcomed the proposed development by the United States of a fact-finding committee in consultation with the United Nations. The committee should carry out its work expeditiously, as it was important to

ascertain the truth and for both parties to commit themselves to establishing the mutual trust required to prevent a repetition of the disastrous violence. The parties should commit themselves once again to negotiating a comprehensive settlement to obtain a just and lasting peace in the region.

16. Mr. D'ANGIERI (Observer for Belize), drawing attention to the continued erosion of the human rights of the Palestinians, said that the gravity of recent events had highlighted the urgent need for a clear territorial demarcation establishing an independent, sovereign Palestinian State. Disproportion, particularly the increasing economic disparity between Palestine and Israel, was considered to be a factor that had contributed to the recent uprising. Attempts to redress the economic balance, including economic cooperation and the mutual sharing of the benefits of development, would therefore be conducive to the establishment of a just and lasting peace in the region.

17. Confidence in the region had been shattered following the recent events and stability was at stake, with hard-line attitudes a serious destabilizing influence on the peace process. He supported the suggestion that a mechanism should be established to carry out an objective, independent inquiry into the bloodshed and would also welcome a mechanism to monitor the warning signs of potential conflicts.

18. Mr. WOODHOUSE (United Nations Children's Fund), speaking on behalf of the UNICEF Executive Director, said that UNICEF's work to build trust and encourage dialogue among children and young people of the region, which it had been carrying out since 1993, had received a setback from the recent events, but would continue no matter what happened. More than one quarter of those who had died in the violence were children and adults on all sides had an obligation to keep children and young people out of harm's way. Both parties to the conflict should protect children from violence: Israel should ensure that those under 18 years of age would not be targeted and the Palestinian Authority should take energetic measures to discourage children under 18 from participating in violent activities that placed them at risk. Children were nearly always the most vulnerable and most lasting victims of conflict - their psychological wounds cut very deep - and all adults in the region bore some responsibility for the terrible consequences of the conflict for children. He therefore hoped that, for the sake of the youngest citizens of the region, there would be an immediate end to the hostilities, as agreed at Sharm el-Sheikh, and that a lasting solution to the conflict would be found.

19. Mr. SALLEHUDDIN (Observer for Brunei Darussalam), endorsing the statements made by Malaysia on behalf of the Organization of the Islamic Conference (OIC) and by Indonesia on behalf of the Asian Group, reaffirmed his country's long-standing support for the inalienable rights of the Palestinian people, which could be achieved only by political means through the peace process. The current situation in Palestine was deeply regrettable and restraint should be exercised by both sides. He welcomed the suggestion for the establishment of an international commission of inquiry to look into the recent incidents. He also commended all regional and international efforts to help restore a climate conducive to negotiation and hoped that the agreement reached at Sharm el-Sheikh would help to put the peace process back on track.

20. Mr. NENE (Observer for South Africa) said that his Government was deeply concerned at the serious situation in the Middle East, which, if left unchecked, would represent a threat not

only to peace and security in the Middle East region, but in the world in general. The Israeli army's disproportionate and excessive use of force against the Palestinians was deplorable and he regretted the unacceptable loss of lives, particularly of children, the high incidence of injuries and the extensive material damage. The activities of armed groups might exacerbate the already volatile situation and South Africa called for the immediate and complete cessation of all hostilities with a view to creating a climate conducive to negotiations. His country fully supported all initiatives aimed at bringing peace and stability to the region and welcomed the efforts by the Secretary-General and others in that regard. It was to be hoped that the measures proposed in the agreement reached at Sharm el-Sheikh would help to diffuse tensions and create the necessary conditions for the resumption of the Middle East peace process.

21. Commending the quality of the reports submitted by the United Nations High Commissioner for Human Rights and the Special Rapporteur, he said that South Africa endorsed the High Commissioner's call for parties to return to the negotiating table as a matter of urgency and for the international community, as well as the parties concerned, to reflect on strategies to promote tolerance and harmony among two kindred peoples. It also agreed with the Special Rapporteur on the urgent need for the adoption of measures to restore confidence in the peace process within a framework of human rights. Lastly, an impartial international inquiry would help prevent a repetition of the recent tragic events and, in that regard, he called for the full implementation of Security Council resolution 1322 (2000).

22. Mr. ALFARARGI (Observer for the League of Arab States) said that Israel continued to ignore the internationally recognized rights of the Palestinian people and to try to impose its will through force of arms. In the recent events, it had used heavy artillery against civilians, whose only weapons had been stones, and had killed more than 100 people, many of them children. Israel was violating humanitarian law and international conventions protecting the right to life. It was destroying the infrastructure of the Palestinian economy and undermining the morale of the people and he called upon the United Nations High Commissioner for Human Rights and the Special Rapporteur to visit the Occupied Territory to see the suffering of the Palestinian people at first hand.

23. It was essential to prevent the recent crimes from recurring and to protect the Palestinians until they had established their own independent State. The Commission on Human Rights should closely monitor the human rights situation in the Occupied Territory and establish a fact-finding commission to investigate the recent crimes and bring the perpetrators to justice. In addition, the Conference of the High Contracting Parties to the Geneva Convention on Measures to Enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, should be reconvened. Israel, for its part, had to commit itself to the agreement reached at Sharm el-Sheikh and create an atmosphere conducive to the resumption of the peace process.

24. Mr. SCHECHLA (Habitat International Coalition) said that Israel's systematic denial of the Palestinians' right to a place to live in peace and dignity - a right that had been dramatically violated in the recent events - lay at the very core of the Palestinian problem. Israel was continuing to demolish the homes of Palestinians and confiscate the land for its own use. The economic costs of that and other human rights violations on the Palestinians were enormous and

Israel should be encouraged to meet its international human rights obligations. International efforts to protect Palestinians from Israel's violations of the right to housing would make a fruitful contribution to regional peace and development.

25. It was now clearer than ever that the establishment of justice and respect for human dignity were prerequisites for the peace process and he therefore supported steps for the immediate correction of the behaviour of the Israeli forces in the Occupied Territory, protection measures on the ground to avoid further assault on the occupied population, the establishment of a permanent international human rights body and of an ombudsman and the immediate establishment of an independent, United Nations-based commission of inquiry to determine accountability for the recent crimes and violations. In addition, the United Nations treaty bodies should be encouraged to consider information within their competence related to the human rights issues arising out of Israel's occupation of Palestine and the thematic rapporteurs should give special consideration to the situation in occupied Palestine, cooperating, as appropriate, on matters of common concern.

26. Although an agreement had been reached at Sharm el-Sheikh on the establishment of a fact-finding mission, it, like Security Council resolution 1322 (2000), offered little assurance that human rights norms would be respected. The establishment of such a mission did not obviate the need for the human rights community to take initiatives to uphold a framework of human rights and humanitarian criteria in the region. He urged States to exercise their responsibility in that regard to avoid a repetition of the current crisis and not fail to take the necessary steps to re-establish the peace process, the very heart of which was human rights.

27. Mr. SAMOURA (African Commission of Health and Human Rights Promoters), speaking on behalf of the Coordination des ONG africaines (CONGAF), said that, although the year 2000 had been proclaimed International Year for the Culture of Peace, fresh attacks were taking place on innocent victims in the occupied Palestinian territories. The sight of Palestinian children being killed was particularly affecting, especially on the eve of the Special Session of the General Assembly for Follow-up to the World Summit for Children in 2001.

28. The member organizations of CONGAF wished to convey the profound indignation of African civil society at the fate of the Palestinian people, who were still victims of Israel's contempt, indifference and denial of justice. The current situation, which had been caused by Israel's occupation and settlement policies, required bold political remedies.

29. He hoped that the special session of the Commission would result in a clear declaration guaranteeing peace and security not only to the Palestinians, but also to the Israelis and other peoples of the region. He requested the establishment of an international commission of inquiry to investigate the serious human rights violations of the last few weeks.

30. Mr. ABDRABBOH (Al-Haq) said that the Palestinians' protests had been met with excessive and indiscriminate force by the Israeli military, which was using sophisticated weapons, in violation of international humanitarian law and the principles of proportionality. Air raids had been carried out and a curfew had been imposed on some villages as a form of

collective punishment, cutting students off from their schools or colleges, the young and elderly from hospital care and workers from their workplaces. The military had also targeted journalists and even ambulance drivers, one of whom had been killed.

31. Mr. Sharon's visit to Al-Haram Al-Sharif was not the only cause of the protests, which were the natural outcome of Israel's policies in the occupied Palestinian territories in general and Jerusalem in particular. Palestinians believed that their human rights situation had in fact deteriorated since the signing of the Oslo agreement.

32. Israel continued to confiscate land, restrict Palestinians' freedom of movement, confiscate the identity papers of Palestinian residents of Jerusalem and demolish their homes and violate Palestinians' economic and social rights.

33. His organization called on Israel to implement the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and requested the establishment of an independent international commission of inquiry in accordance with Security Council resolution 1322 (2000).

34. Mr. AYEWOH (Nigeria), speaking on behalf of the African Group, said the Group was deeply concerned about the pernicious cycle of violence in the West Bank and Gaza and the excessive use of force against Palestinians, in violation of the Fourth Geneva Convention. Israel must comply with its obligations under that Convention. The African Group requested the High Commissioner for Human Rights and special rapporteurs to visit the territory. It called for a halt to the violence and for an objective independent inquiry to investigate the human rights violations that had occurred. Dialogue would be achieved only if the violence stopped and negotiations began.

35. Mr. PARY (Tupaj Amaru) said that the root of the Arab-Israeli conflict, which had threatened international peace for more than 50 years, was to be found in the still-open wounds of European colonialism. In that sense, those responsible were the Western Powers, which wished to maintain their sway over the region in order to protect their strategic interests. In addition, the international community had never mustered the political will to acknowledge Israel's responsibility for the theft and, in 1969, the conquest of Arabs' ancestral lands. Western democracies applied double standards: they condemned Austria's extreme-right Mr. Haider, but tolerated the extremist policies of Israel's Likud party, led by Mr. Sharon.

36. There would be no peace in the Middle East as long as the Israeli Government continued to deny the Palestinian people their right to self-determination. He called for the establishment of an independent international commission of inquiry into the war crimes and genocide committed by the Israeli military. He also called on the Commission to request the High Commissioner to visit the territories and to set up an emergency fund for the victims of the war.

37. Ms. BANDETTINI DI POGGIO (International League for the Rights and Liberation of Peoples) said that the agreement that had been reached at Sharm el-Sheikh represented only more signatures, and signatures given under duress, at that. How, in any case, was it possible to speak of a ceasefire when there was only one army involved?

38. It would be vain to hope for any new arguments that might help resolve a conflict that had lasted 52 years. The many resolutions adopted by the United Nations on the subject were well known and the long list testified to the long years that had gone by without result and to the legitimate, and growing, frustration of the Palestinian people. People resorted to violence when their rights were denied, their complaints were ignored and what happened to them was considered to be of no account. Such was the case of the Palestinians, who were demanding only the exercise of their inalienable right to self-determination. It was hard to justify viewing the violence resorted to by victims in the same light as that committed by oppressors.

39. Her organization could not fail to observe that, with the direct or indirect complicity of the United States and other countries, Israel continued to defy international law with impunity and wondered why Israel should be given leeway that the Commission would never have allowed to any other country. The international community as a whole had let the situation go on too long. It was high time to take action such as the establishment of a truly independent, credible, transparent commission of inquiry, set up as proposed by many previous speakers, to report publicly to the Commission. It should receive the full cooperation of both parties to the conflict and its conclusions should, if necessary, form a basis for the prosecution and punishment of those responsible for the recent violence.

40. It was to be hoped that the latest agreement would not become another dead letter, but genuinely enable both peoples to practise and enjoy tolerance, coexistence and mutual respect.

41. Mr. OWONA (International Young Catholic Students) said that, despite the negotiations taking place at Sharm el-Sheikh, it could not be said that ongoing efforts to reach a settlement based on justice and equity had yet borne fruit. In the meantime, Israel persisted in its unjustified intransigence and use of violence in the occupied territories, in disregard of international human rights instruments and the calls made by the United Nations and the world community. The tragic history of the Jews did not mean that they could subject another people in Palestine to the horrors they themselves had endured in the past. The majority of people on all sides accepted that Israel's existence was an irrevocable reality, but they also recognized the need for an independent Palestinian State. Neither Israel nor Palestine could exist independently of the other and a means of peaceful coexistence must be found.

42. Conditions for true peace could not be established in a climate of political self-interest, discrimination, hatred induced on religious and other grounds and the undue influence of outside forces. On the other hand, the virtues of forgiveness, tolerance and willingness to live together were shared by all parties to the conflict - Palestinians, Israelis and Arabs; Jews, Muslims and Christians.

43. The Commission and all Member States of the United Nations should take steps with a view to an immediate ceasefire, Israel's complete withdrawal from all occupied Palestinian territory, the observance by Israel of all relevant international instruments, an end to its systematic violation of the Palestinians' rights and the adoption of the measures advocated by previous speakers, including the establishment of a commission of inquiry and a visit by the High Commissioner to the occupied territories with a view to reporting to the Commission at its next session. At the same time, Israel's sponsors should urge that country to abandon its intransigence, which only served as an obstacle to tolerance and peace. Religious leaders in

Israel and Palestine should oppose fanaticism and promote mutual understanding. And political leaders on both sides who did not sincerely desire peace and justice for the entire region should hand over the reins to the young, who had suffered most from the conflict and were more aware than anyone else of the need for lasting peace.

44. Mr. DAHLEH (World Federation of Democratic Youth) said that none of the summit meetings involving Israel and the PLO, including the latest meeting at Sharm el-Sheikh, had resulted in an end to Israel's violation of the Palestinians' basic rights. The Commission should therefore continue its monitoring role, including the establishment of a commission of inquiry. It should be noted that the latest summit meeting had not dealt with the situation of Palestinians living in Israel, who would continue to suffer the day-to-day violation of their basic rights. They had never been officially represented in any negotiations and their core concerns had again been overlooked.

45. He referred to the state of danger, mentioned by previous speakers, in which the Palestinian citizens of Israel had been living, including armed attacks by Israeli soldiers and police, as well as attacks on Palestinian Arabs and their property by Jewish citizens. He also noted that in dealing with cases relating to the unrest the Israeli courts had been disproportionately hard on Palestinians. Since the agreement reached at Sharm el-Sheikh would not put an end to the harassment of Palestinians living in Israel, the Commission should condemn such actions, as well as those responsible for them, and establish the proposed international commission of inquiry.

46. Mr. MASSON (World Union for Progressive Judaism) drew the Commission's attention to the grave upsurge in anti-Semitism, including genocidal calls by Islamic leaders, directly related to current events in the Middle East. Calls for a jihad had been made even outside the Palais des Nations. Synagogues and other Jewish targets in France had been attacked and similar attacks had taken place in Germany, the United Kingdom and other European countries. In the Middle East itself, the head of the Hezbollah and the highest-ranking Muslim religious official in Egypt had both called for militant action against the "enemy". Various Islamic leaders elsewhere had likewise supported the call for a jihad and fanatical calls to kill Jews had been broadcast by the Palestinian Authority's official television station. It was noticeable that, whereas Jewish religious and educational establishments throughout Europe needed security surveillance for years, no Muslim institutions in Western Europe had ever required such protection. It was surely time for Muslim leaders everywhere to speak out against genocidal incitement, which contravened all international instruments.

47. It was hard for Jews to understand how they could be regarded as an "occupying Power" in a place which had been their ancestral homeland before the first Arab-Islamic advance into that region. Arguments about history, however, as well as national and international vested interests, should not be allowed to obstruct current efforts aimed at lasting peace and coexistence - the true desire of most peoples, Hebrew and Arab alike.

48. Mr. LEVY (Observer for Israel), speaking in exercise of the right of reply, said that he wondered whether those representatives of Arab States who had called for special rapporteurs and a commission of inquiry to be sent to Israel would be prepared to accept such an inquiry into their own human rights records. In that connection, reports by Amnesty International and other

independent groups on those States' treatment of their own citizens were available and worthy of study. Likewise available at the current session, and on the Internet, were pictures revealing that the recent unrest, in which many civilians had regrettably been hurt, had been deliberately incited and that many of the participating youths had not been spontaneous stone-throwers, but had been armed and trained by adults, including the Tanzim group.

49. Amnesty International's report on Lebanese human rights violations was particularly length. In that regard, Israel had withdrawn unilaterally from Lebanon in compliance with Security Council resolution 425 (1978), but the Lebanese authorities had made no commensurate moves to exercise their authority - for example, by preventing cross-border raids.

50. As a result of the Sharm el-Sheikh agreement, the Israeli and Palestinian parties had met to discuss security arrangements in order to end the unrest and it was hoped that all concerned would henceforth opt for negotiation and reject violence, including rioting of the sort that he was sure no Government anywhere would tolerate in its own territory.

51. Mr. NASR (Lebanon), speaking in exercise of the right of reply, said that Lebanon had never held prisoners, except for certain persons detained in occupied Lebanese territory, and had never set up camps or fired missiles at civilians, ambulances or premises. Lebanon was attending the Commission's current session not to lecture on human rights, but to work for their implementation.

The meeting rose at 6 p.m.

UNITED NATIONS **E**

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COMMISSION ON HUMAN RIGHTS

Fifth special session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 19 October 2000, at 4 p.m.

Chairperson: Mr. SIMKHADA (Nepal)

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LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued)

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GE.00-15644 (E)

The meeting was called to order at 4.20 p.m.

LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/S-5/L.2/Rev.1)

1. Mr. BEN SALEM (Tunisia), introducing draft resolution E/CN.4/S-5/L.2/Rev.1 on behalf of its sponsors, said that the draft resolution expressed deep concern at the gross violations of human rights which had been committed by the Israeli occupying Power and which constituted war crimes and crimes against humanity under international law. Emphasizing that the Commission had to assume its full responsibilities with regard to the violations and steer away from any political considerations, he said that the draft resolution called for a number of practical measures: an independent, objective commission of inquiry should be established to gather information on violations of human rights and should submit its conclusions and recommendations to the Commission; and the United Nations High Commissioner for Human Rights and the Special Rapporteurs should visit the occupied Palestinian territories and report their findings to the Commission on Human Rights at its fifty-seventh session and to the General Assembly at its fifty-fifth session.

2. Although the draft resolution related only to the human rights situation in the occupied Palestinian territories, one regional group had, despite every effort to ensure transparency, been reluctant to engage in a substantive discussion. He hoped, however, that the support with which the request to convene the special session had been met would prevail and that the draft resolution could be adopted by consensus.

3. Mr. FULLER (United Kingdom), speaking on behalf of the Western Group, said that more time was required for further consultations before a decision was taken on the draft resolution.

4. Mr. RODRÍGUEZ CEDEÑO (Venezuela), speaking on behalf of the Latin American and Caribbean Group (GRULAC), said that he agreed with the representative of the United Kingdom. In view of the seriousness and sensitivity of the issue, more time might be needed to draft a text acceptable to all.

5. Mr. BEN SALEM (Tunisia) said that he could agree to the request for more time to consider the draft resolution, provided that a decision was taken on the text immediately after the informal consultations ended.

The meeting rose at 4.45 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifth special session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 19 October 2000, at 8.30 p.m.

Chairperson: Mr. SIMKHADA (Nepal)

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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTH SPECIAL SESSION

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GE.00-15670 (E)

The meeting was called to order at 8.30 p.m.

LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA, ADDRESSED TO THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/S-5/2; E/CN.4/S-5/L.2/Rev.1)

1. The CHAIRPERSON informed the Commission that the sponsors of draft resolution E/CN.4/S-5/L.2/Rev.1 had requested him to suspend the meeting so that consultations on the draft resolution could continue. If he heard no objection, he would take it that the Commission agreed to that request.

2. It was so decided.

The meeting was suspended at 8.35 p.m. and resumed at 9 p.m.

3. The CHAIRPERSON invited the sponsors of the draft resolution to inform the Commission of the results of the consultations that had taken place during the suspension of the meeting.

4. Mr. BEN SALEM (Tunisia) said that, in the light of the tragic events that were taking place in the Occupied Territories, the sponsors of the draft resolution had made every possible concession to reach a consenus in order to propose a text which was acceptable to all and would enable the Commission to retain its credibility. Unfortunately, that had not been enough to convince a number countries, in particular the members of the European Union, to take the historic opportunity before the Commission to put an end to the policy of double standards by condemning the serious violations of human rights being committed in the Palestinian territories.

5. Mr. HUSSAIN (Pakistan), speaking on behalf of the Organization of the Islamic Conference, endorsed the views expressed by the representative of Tunisia. Throughout the consultations, the Organization of the Islamic Conference had adopted a very open-minded approach. It was regrettable that it had not been possible to reach an agreement, largely because of the attitude of the European Union, despite the fact that there had been broad support for the convening of the current special session.

6. The CHAIRPERSON said that it was his understanding that, in the absence of consensus, he would have to put the draft resolution to a vote. Owing to time constraints, he suggested that the members of the Commission who wished to explain their vote should do so after rather than before the vote. If he heard no objection, he would take it that the Commission agreed to that suggestion.

7. It was so decided.

8. Ms. IZE-CHARRIN (Secretary of the Commission) said that a preliminary estimate had shown that the total cost of implementing the activities provided for in the draft resolution under consideration would be US$ 814,000, allocated in the following way: US$ 594,000 for the commission of inquiry, US$ 20,000 for the visit of the High Commissioner, US$ 100,000 for the

mission of the Special Rapporteurs and two members of the Working Group on Enforced or Involuntary Disappearances and US$ 100,000 for general operating expenses in support of the field missions.

9. No provision had been made in the programme budget for 2000-2001 to cover those expenses, which could not be absorbed within existing resources. The adoption by the Commission of the draft resolution under consideration would therefore entail additional requirements of US$ 814,000. A detailed description of the expenses would be included in the programme budget implications statement to be submitted to the Economic and Social Council.

10. At the request of the representative of the United States of America, a vote was taken by roll-call on draft resolution E/CN.4/S-5/L.2/Rev.1.

11. Poland, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Bangladesh, Bhutan, China, Cuba, India, Indonesia, Madagascar, Mauritius, Morocco, Niger, Pakistan, Philippines, Qatar, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela.

Against: Canada, Czech Republic, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Botswana, Brazil, Burundi, Chile, Colombia, Congo, Ecuador, El Salvador, Mexico, Nepal, Nigeria, Peru, Republic of Korea, Russian Federation, Rwanda, Zambia.

12. Draft resolution E/CN.4/S-5/L.2/Rev.1 was adopted by 19 votes to 16, with 17 abstentions.

13. The CHAIRPERSON invited the members who wished to do so to explain their votes.

14. Mr. ARENALES FORNO (Guatemala) said that his country had always cooperated with the Commission and with all those who were trying to save the negotiating process between the Israelis and the Palestinians in order to establish a firm and lasting peace - the only way to ensure full respect for human rights and fundamental freedoms.

15. Unfortunately, the only draft resolution which had been before the Commission not only did not encourage the efforts being made to revive the peace process, but hindered them. The improper use of some words and the inflammatory rhetoric which pervaded the text and the fact that it implied that a state of war existed, preventing the application of general human rights standards, was contrary to the intended objective. The reality was that Israel and the Palestinian Authority had to apply those general standards and standards of humanitarian law applicable in situations that could not be regarded as an international armed conflict.

16. Lastly, it was not appropriate to establish the mechanism of inquiry provided for in the resolution adopted because bodies already existed that were authorized to examine with greater efficiency problems of respect for human rights which were closely linked to the peace negotiations.

17. Ms. KUNADI (India) said that the Indian Government was deeply concerned and shocked about the deliberate acts of provocation, the excessive use of force and the violations of basic human rights, including of the right to life, that had recently taken place in Jerusalem, the West Bank, the Gaza Strip and other areas under the jurisdiction of the Palestinian Authority. By supporting the holding of the current special session and by voting in favour of the draft resolution that had been adopted, India had shown that it remained firmly committed to the promotion and protection of human rights around the globe. It was necessary to show restraint, to shun all activities that could exacerbate tensions and to avoid mutual recriminations that could further delay progress towards a lasting peace.

18. In that connection, India hoped that the understandings reached at the Sharm el-Sheikh summit on 17 October would help to end the cycle of violence, defuse regional tensions, alleviate the suffering of the peoples affected and create a climate conducive to the establishment of a just, comprehensive and lasting peace in the region based on Security Council resolutions 242 (1967) and 338 (1973). India trusted that the follow-up to the resolution adopted would not run counter to the efforts being made to achieve that goal, which was the only guarantee of a peaceful future.

19. Mr. PETIT (France), speaking on behalf of the members of the European Union and the following associated countries: Czech Republic, Latvia, Poland and Romania, said that the tragic events of recent weeks in the Middle East had justified the holding of the current special session, whose mandate was not to engage in political denunciations, but to ensure that human rights were fully respected all over the world.

20. That was the spirit in which the European Union had responded to the call to convene the meeting and expressed the hope that the special session would make a useful contribution to the efforts being made to re-establish peace and stability in the region, particularly by the Security Council which had adopted a resolution, by the General Assembly which was planning to adopt one, and by the Chairman of the Palestinian Authority and the Prime Minister of Israel, who had agreed in Sharm el-Sheikh on 17 October 2000 to take immediate steps to end the violence.

21. The Commission had an obligation to contribute to the success of that agreement. While the European Union was willing to use its mechanisms, several provisions of the resolution adopted were clearly not within its competence. That in no way meant that the European Union refused to participate in a constructive manner in the debate in the United Nations on the dramatic events of previous days, since the ongoing discussions at the special session of the General Assembly gave hope for a successful outcome. Far from supporting the implementation of the Sharm el-Sheikh agreement, however, the resolution jeopardized its implementation by establishing mechanisms that would compete with those agreed by the parties directly concerned. For that reason, the members of the European Union had, regretfully, voted against the draft.

22. Ms. GERVAIS-VIDRICAIRE (Canada) said that her country had voted against the draft resolution because it was unbalanced and would not help create an atmosphere conducive to a return to the negotiating table. Canada was deeply convinced that any international efforts, including the Commission's debates and decisions, should focus on assisting the parties to end the violence and resume negotiations.

23. Mr. BIABAROH-IBORO (Congo) said that his country had unequivocally supported the holding of the present special session and had steadfastly supported the Palestinian cause. It deplored the violence that had resulted in the loss of many lives, particularly of children, the massive violations of human rights and the denial of the inalienable rights of the Palestinian people.

24. In previous years, his country had itself lived through civil war in which horrific acts of violence had been committed and it knew the price of peace. Peace should be given a chance so that the violence and confrontations could stop.

25. The Congo was convinced that the Palestinian and Israeli people were fated to live together in peace. It was therefore necessary to bring the two parties back to the negotiating table, to revive the peace process that appeared to have been put in jeopardy and to ensure that the negotiations were conducted in good faith in accordance with the rules and principles of international law and the relevant United Nations resolutions and with respect for the dignity of both parties. It was in the interests of safeguarding the future that the Congo had abstained in the vote on the draft resolution.

26. Mr. BAICHOO (Mauritius) said that his country would have preferred the draft resolution to have been adopted by consensus and some provisions to have been worded differently. However, its primary motivation was to send a clear signal in respect of the violations which had been committed.

27. Mauritius had always favoured the peaceful resolution of the conflict in the Middle East, all the more so because Palestinians and Israelis, who were both sons of Abraham, were destined to live side by side.

28. His delegation deplored the wave of violence that had swept across the West Bank and Gaza, causing the loss of many lives and untold suffering. For that reason, it welcomed the ceasefire agreement reached in Sharm el-Sheikh and commended the Secretary-General of the United Nations, President Clinton and President Mubarak on their efforts to bring about an end to the hostilities.

29. The Government of Mauritius called on both sides to exercise restraint to ensure that the ceasefire would hold and an environment conducive to rebuilding mutual trust could be established.

30. His Government also called on the Palestinian authorities and the Israeli Government to contain the extremist elements which constituted a serious obstacle to peace. It hoped that the peace process could be resumed with a view to solving all outstanding problems to the satisfaction of all, taking into account the legitimate aspirations of the Palestinian people.

31. Ms. RUBIN (United States of America) recalled that her country had objected to the holding of the special session, which it feared might undermine international efforts under way to halt the violence in the Middle East and revive the peace process.

32. It was in the paramount interests of the Israelis and the Palestinians that the hopes engendered at Sharm el-Sheikh should be redeemed by positive steps. For that reason, the interested parties and the international community must act in a responsible way. Sadly, the resolution that had been adopted did not do justice to those hopes. It did not provide the balance and the wisdom that had been expressed by the High Commissioner in her opening remarks. Instead, the text was one-sided and vituperative and offered no pathway to reconciliation among peoples who had recently been on the brink of a final peace settlement. The United States deplored the violence and the loss of human life in the Middle East and valued the human rights of all Palestinians and Israelis. It also valued the potential of the Commission to contribute to the protection of human rights in the Middle East and throughout the world and therefore regretted to see that potential squandered in an effort that could undermine the only prospect of a better future for Palestinians and Israelis alike.

33. Mr. VEGA (Chile) said that his country had been in favour of convening the current special session, as it believed that the Commission should come to a decision on the tragic events that had taken place in the occupied Palestinian territories. Chile deplored the disproportionate use of force and the violations of human rights and international humanitarian law.

34. The Chilean Government considered that the Commission and its mechanisms could help to shed light on the tragic events and should pool their efforts with those of the international community, in particular at Sharm el-Sheikh, to create the conditions conducive to the establishment of a lasting peace.

35. His delegation, which had participated actively in the consultations on the draft resolution, regretted that it had not been the subject of consensus. While it did, in fact, meet the concerns that had led Chile to agree to the convening of the current special session, it contained some unacceptable concepts. For that reason, Chile, which had always supported the requests of Palestine, had decided, with regret, to abstain in the vote.

36. Mr. HARAGUCHI (Japan) said that his country was deeply concerned about the human rights situation in Palestine, the escalation of violence and the disproportionate use of force against civilians and had supported the convening of the current special session because the most important mission of the Commission was to put a halt to the violence. His delegation welcomed the delicate agreement obtained at Sharm el-Sheikh. It had, however, decided to vote against the draft resolution, which could, in its view, stand in the way of an end to the hostilities.

37. Mr. CERDA (Argentina) associated himself fully with the views expressed by the representative of Chile.

38. Mr. NAHAYO (Burundi) explained that his country, which had supported the holding of the current special session, was committed to the rights of the Palestinians and opposed to the violence in the region and had hoped that it would have been possible to reach a consensus on the proposed draft resolution. His delegation had requested that the text should be changed so

that it could support the draft resolution, but the final negotiations between the authors of the draft and the European Union had unfortunately failed. For that reason, his delegation had preferred to abstain in the vote.

39. Mr. SHRESTHA (Nepal) said that his delegation would have liked to see a consensus on the text on such a grave issue, but, sadly, that had not been possible. Nepal was deeply concerned about the tragic events of the previous weeks and about the senseless cycle of violence, the heavy losses of life, especially of children, and the excessive use of force. It had always supported the legitimate rights of the Palestinian people, respect for which should, in its opinion, be achieved through negotiations. The parties to the conflict should stop the violence immediately and return to the negotiating table. The agreement reached at Sharm el-Sheikh should provide a starting point and enable the peace process to be revived on the basis of Security Council resolutions 242 (1967) and 338 (1973). The Nepalese delegation had abstained in the vote in the hope that the atmosphere of understanding and rapprochement, which had been so difficult to restore between the parties concerned within the framework of the Sharm el-Sheikh agreement, would make it possible to revive the process. The international community must take every step to ascertain the causes of the violence and ensure that it did not recur.

40. Mr. SKOGMO (Norway), explaining his delegation's vote against the draft resolution, said it was regrettable that the resolution adopted was unbalanced and he dissociated himself in particular from the use of certain terms. Norway deplored the loss of life, the suffering, all the acts of violence and the disproportionate use of force by the Israeli army. The Norwegian Government had welcomed the Sharm el-Sheikh understandings and urged the parties concerned to implement them. It also supported the establishment of a fact-finding mission, as agreed in Sharm el-Sheikh.

41. The CHAIRPERSON said that, if he heard no objection, he would take it that, since the meeting had been somewhat disrupted, the Commission decided to give the floor to interested observer delegations which had not yet had an opportunity to make the statements to which they were entitled.

42. It was so decided.

43. Mr. RAMLAWI (Observer for Palestine) expressed his deep gratitude to all the delegations that had voted in favour of the draft resolution. In so doing and even though the resolution had been adopted with a majority of only three votes, they had not only expressed their commitment to the Palestinians' right to life, but had also saved the reputation of the Commission - which spoke for the conscience of mankind - and recalled the sacred value of the human rights currently being violated in Palestine. Although the Commission was holding a special session only a few days after the conclusion of the Sharm el-Sheikh agreements, the Israeli army was continuing to fire on Palestinian villages. The Palestinian people were not only fighting for the right to live on their land, but were also defending international legitimacy and the same principles as the Commission.

44. Mr. LEVY (Observer for Israel) said that, contrary to the spirit of the Sharm el-Sheikh summit, the special session of the Commission had been counter-productive at the very least.

The resolution that had been adopted was partisan, one-sided and divorced from the reality on the ground since the meeting in Sharm el-Sheikh. The Israeli delegation sincerely regretted the loss of life on both the Palestinian and Israeli sides. Unfortunately, there had not been even one word of regret about the casualties on the Israeli side either in the speeches made or in the resolution. In any event, the violence and the loss of life could have been avoided if children and innocent civilians had not been sent to stand in front of demonstrators to serve as human shields for Palestinian policemen, members of the Tanzim and other armed Palestinians. They could have also been avoided if the Palestinian leaders and media had not incited the masses to rise up against Israel. They could still be avoided by implementing the Sharm el-Sheikh understandings. However, the resolution adopted did not call on the Palestinians to stop the violence, the rioting and the use of live ammunition or to refrain from sending children to the front line.

45. Recently, a bus carrying 39 Israeli women and children from Israel to Gaza had been attacked by Palestinians using explosives and automatic fire. Miraculously, no one had been wounded. Should such terrorist attacks not be examined by the Commission? It had also been discovered that the representative of a major television network had had to apologize to the Palestinians for the way in which the lynching in Ramallah had been covered and journalists had been forced to leave the area because they had received death threats as a result of the report. It seemed as though the objective had been to hide what had happened in Ramallah. He wondered whether that was but an isolated incident or whether it was one of the reasons why the pictures broadcast by the media - and therefore the resolutions and reports based on those pictures - were distorted to such an extent.

46. The resolution adopted was extremely aggressive and did not deserve the approval of the Commission. It used such violent language that it was bound to exacerbate tensions on the ground and went against the wise counsel of the United Nations Secretary-General. In Sharm el-Sheikh, the two parties had agreed to issue public statements unequivocally calling for an end to the violence, to take immediate concrete measures to stop the confrontation and to return to the situation which had existed before the crisis. They had agreed to establish a fact-finding committee headed by the United States of America. Any other inquiry mechanism was therefore superfluous. The Israeli authorities had instructed the army and the police to implement the commitments undertaken, but Mr. Arafat had yet to be heard giving clear instructions to the Palestinian armed groups to cease the hostilities.

47. In order to stabilize the situation and bring an end to the confrontations in the region, and thereafter to revive the diplomatic process, what was needed were supreme diplomatic efforts, not biased deliberations. The Commission had adopted a resolution which might aggravate the violence and even destroy all efforts to end the violence.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTH SPECIAL SESSION (agenda item 4) (E/CN.4/S-5/L.1)

48. Ms. GERVAIS-VIDRICAIRE (Rapporteur), introducing the draft report on the fifth special session of the Commission on Human Rights (E/CN.4/S-5/L.1), said that the report would be published as a supplement to the official documents of the Economic and Social Council and submitted to the Economic and Social Council when it met at the request of the Commission.

49. The draft report was composed of five chapters. Chapter I contained the text of the draft decision which would be prepared on the basis of the text of the resolution adopted by the Commission and submitted to the Council for approval. Chapter II contained the text of the resolution adopted by the Commission. Chapter III concerned the organization of the session. Chapter IV summarized the discussion and the vote on the draft resolution and Chapter V dealt with the adoption of the report. The report would also contain four annexes. For all information concerning the content of the discussions and the statements made, participants were invited to consult the summary records of the session. The final version of the report would be completed in the next few weeks. She recalled that all requests for corrections should be sent to her within two weeks.

50. The CHAIRPERSON said that, if he heard no objection, he would take it that the Commission wished to adopt the draft report ad referendum, on the understanding that the Rapporteur would prepare the final version with the assistance of the secretariat.

51. It was so decided.

52. Ms. ROBINSON (United Nations High Commissioner for Human Rights) emphasized that the adoption of the resolution by a slim majority reflected the grave concerns expressed, in particular by the Arab States, about the very large number of victims and the excessive use of force against civilians by the security forces. She would take the steps necessary to implement the provisions of the resolution that required action on her part.

53. The surest way of bringing about a just and lasting peace was to embed a culture of respect for the human rights of everyone in the region, not only for civil and political rights, but also for economic, social and cultural rights and for the right to development. She urged all parties once again to refrain from any words or actions that might exacerbate the violence and to implement as quickly as possible the measures agreed in Sharm el-Sheikh to facilitate the revival of the peace process.

54. The CHAIRPERSON said that the two peoples who were fighting had already suffered enough and had no choice but to learn to live together. He declared closed the fifth special session of the Commission on Human Rights on the situation in the occupied Palestinian territories.

The meeting rose at 10.30 p.m.